

WHO'S TERRORIZING LEBANON?—THE EDITORS

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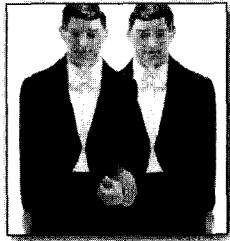
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CORRESPONDENCE

Humint news

To the editors:

Joseph Finder opens his article "Spy vs. Spy" (April 8) by criticizing the Commission on the Roles and Capabilities of the United States Intelligence Community for not dealing with the important issues. The rest of the article consists principally of a thesis that the Department of Defense is taking over the national intelligence function and that the clandestine collection and nonofficial cover activities of the Defense HUMINT Service (DHS) are counterproductive.

Nowhere in the article does he quote or refer to the following statement, which appears in the executive summary of the commission's report, with the recommendation in boldface:

Finally, the Commission believes the costs and difficulties involved in maintaining a separate infrastructure within DoD for conduct of clandestine HUMINT operations are no longer justified. The Commission recommends that the clandestine recruitment of human resources, now carried out by active duty military officers assigned to the Defense HUMINT Service, be transferred to the CIA, utilizing military personnel on detail from the DoD as necessary.

That Finder chose to ignore (or never read) this statement that supports (albeit less passionately) his own view of DHS clandestine collection tells us something about him. That you failed to ask him why he made that choice tells us something about you.

HAROLD BROWN
Washington, D.C.

The editors reply:

In Joseph Finder's defense, his original draft stated, "And to be fair to the Brown-Aspin Commission, its final report did recommend that the DHS's clandestine recruitment of human sources be 'transferred to the CIA.'" The sentence was cut for reasons of space.

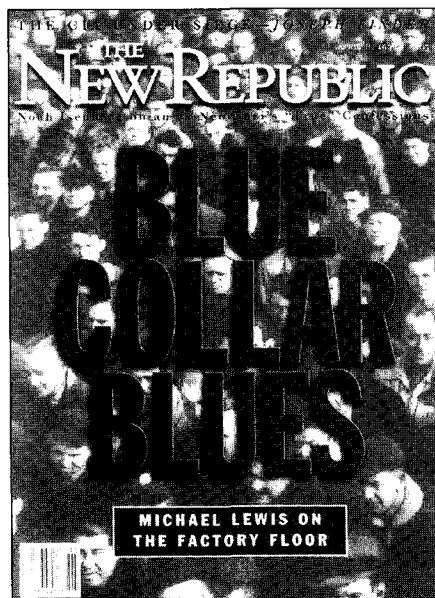
Nazi führer

To the editors:

To clear up some misunderstanding that may have been caused by Noah Isenberg's review of *Führer-Ex* ("About Face," April 8): in 1993, a book called *Die Abrechnung* was published by Aufbau Verlag in Berlin. I wrote another book, in English, published by Random House, called *Führer-Ex: Memoirs of a Former Neo-*

Nazi. They are both about Ingo Hasselbach's bizarre life in and out of the German neo-Nazi movement. The similarity ends there. *Die Abrechnung* was, as Ingo acknowledges, the German equivalent of an instabook, written in less than six weeks by Ingo with the help of a German film director. *Führer-Ex* is based on my own exhaustive interviews with Hasselbach and has been reviewed as a serious, accurate work by *The New York Times* and other newspapers. Yet, in his review, Isenberg oddly chooses to refer to the German book as a sort of Rosetta stone from which *Führer-Ex* scandalously deviates.

Whatever else a professor trained in German and literary analysis might notice about these texts, he would presumably observe that the English book is



more than four times the length of the German book (about 175,000 words versus about 40,000 words). The vast majority of the incidents and details in *Führer-Ex* do not appear in the German book.

Isenberg's review manages to make more glaring factual errors than he can find in 400 pages, and its sloppiness is at times almost comic. For instance, Isenberg accuses *Führer-Ex* of putting "stilted Hollywood Nazi villain speak" in the mouths of neo-Nazis and then quotes two lines of dialogue to support this point. But one of the lines he quotes is spoken not by a neo-Nazi at all but by the Communist prosecuting attorney who tried Ingo for speaking out against the Berlin Wall.

The other line Isenberg quotes here was spoken by Gottfried Küssel, who is a neo-Nazi—but the flamboyant rabble-rouser happens to be sitting in an Austrian prison at the moment for making utterances far more outlandish than this

one. Isenberg could have easily verified Küssel's speaking style from German and Austrian—or indeed American—network news footage, but he clearly preferred to rely on his own vast experience of what neo-Nazi leaders in the Wesleyan German studies program sound like.

It would at least have been nice if Isenberg had been able to get the name of the political party Hasselbach founded correct: it was the National Alternative, not the National List, a party with an entirely different background.

TOM REISS
New York, New York

Noah Isenberg replies:

Tom Reiss is correct in pointing out Ingo Hasselbach's true neo-Nazi affiliation: indeed, he founded the East Berlin faction called National Alternative and not the Hamburg-based neo-Nazi faction called National List. There is no need, however, to address Reiss's other misgivings vis-à-vis my critique of *his* book; he simply and plainly misses the point. *Führer-Ex* is not only drastically different than the German original from which it admittedly "grew," but it is much more an entirely new, sensationalized story that panders to the media, to its American readership and to the current obsession with refashioning old narratives of (neo-)Nazism for mass consumption. In an article in New York's *Jewish Week* (February 9) describing his deep engagement with the Hasselbach project, Reiss is quoted as having said of his plan to craft an English version of Hasselbach's story: "I thought, this is a story made in heaven for me." Perhaps this is the real problem.

Go West

To the editors:

"Because of the Leon Wieseltier article criticizing every aspect of Cornel West's work," I have decided to *renew* my subscription to TNR. The greatest strength of your magazine has been your fierce determination to extend rather than muzzle critical and political discourse through an impressive array of iconoclastic thinkers, including West.

Although I admire West, whom I find often enough to be an independent thinker, rare enough these days in the lockstep of the black intellectual community, Wieseltier is right on target when he identifies and elaborates on West's tendency to intersperse fresh ideas with dreary, tired rhetoric. Why is it that TNR can criticize all sorts of intellectuals and thought but, according to Elaine Wolfensohn (Correspondence, April 29), must draw the line at West? Surely the fact that he is black does not suggest to her that he needs protec-

tion in the critical world. He seems well able to countenance and counter criticism as a man and a brilliant thinker. Why doesn't Wolfensohn consider challenging Wieseltier's penetrating, critical assertions with critical assertions of her own? Thought, my dear lady, should stimulate, not threaten, us even and especially when it challenges our own.

JUDITH JOPLIN
Philadelphia, Pennsylvania

On the border

To the editors:

Stephen Chapman ("Birth Control," April 8) writes that eliminating birthright citizenship for U.S.-born children of illegal aliens is the policy I "prefer." But my testimony from which he quotes states the opposite: that the "most important precondition for eliminating birthright citizenship—effective control of illegal migration, thereby minimizing the number of children growing up in the U.S. who would be denied [it]—has not, and perhaps cannot, be met.... Then—and only then—can the Congress responsibly consider eliminating birthright citizenship for illegal alien children. If the Congress nevertheless decides to repeal the

rule now—before it completes the more fundamental task of controlling illegal immigration—it has an obligation to ensure that the illegal alien children, who through no fault of their own are caught in a tragic statusless situation, can in time become American citizens and truly join the society in which they will have invested their pasts and are likely to invest their futures." What I "prefer" could not have been clearer.

PETER SCHUCK
New Haven, Connecticut

To the editors:

For the record, Stephen Chapman is simply wrong that my book *Alien Nation* argues that "immigration be not only reduced but revamped to bolster the white population." Americans obviously have a legitimate interest in the effects of immigration on their country's racial balance, if for no other reason than that immigrants are eligible for affirmative action. But in *Alien Nation* I actually made the case for a reduction in *all* immigration, perhaps even a moratorium, with no recommendation as to color.

Alien Nation does show that the U.S. racial balance is now being rapidly shifted by current government policy, which has choked off immigration from

Europe and stimulated immigration from a few arbitrarily selected Third World countries. This, however, is an undeniable fact—albeit understandably embarrassing to libertarian immigration enthusiasts who had not realized they are blindly supporting an unprecedented social engineering experiment.

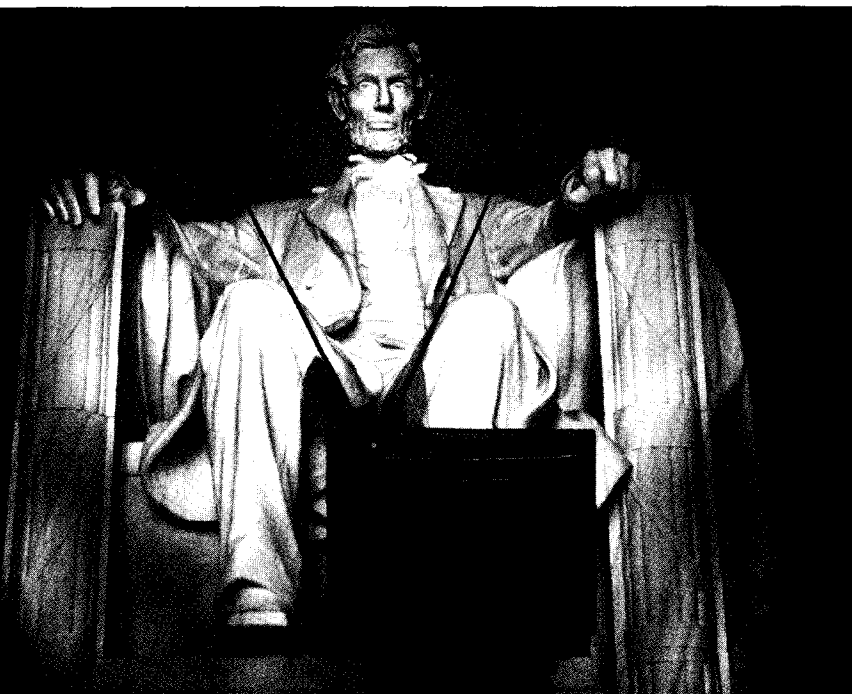
PETER BRIMELOW
New York, New York

Stephen Chapman replies:

No recommendation as to color? On page 264 of *Alien Nation*, after noting that immigration has increased the percentage of nonwhites in the U.S. population, Peter Brimelow writes: "It is simply common sense that Americans have a legitimate interest in their country's racial balance. It is common sense that they have a right to insist that their government stop shifting it. Indeed, it seems to me that they have a right to insist that it be shifted back."

The editors welcome correspondence from readers. Letters should include the writer's full name, address and telephone number; be typed double-spaced; and be held to under 200 words. Letters may be edited for space. Please address letters to: Correspondence, TNR, 1220 19th Street, N.W., Washington, D.C. 20036.

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FROM WASHINGTON

Liberation

In 1959, a liberal journal of opinion published an essay on racial matters that created quite a stir. The editors of the magazine were outraged by the article, delayed it for a year and only agreed to publish it alongside lengthy rebuttals from its staff. In the following issues, the controversy spiraled. The editors, however, defended their decision forthrightly: "We publish it not because we agree with it," they wrote of the piece, "but because we believe in freedom of expression even for views that seem to us to be entirely mistaken ... we feel it is a service to allow [this] opinion, and the rebuttals to it, now to be aired freely." The magazine was *Dissent*. The author of the offending article was Hannah Arendt.

I'm glad someone published the exchange, because, all these years later, it makes for riveting reading. The article's core contention is that the freedom to marry whoever one wants is one of the most fundamental political rights a liberal society offers. It is not a detour from civil rights, not a special right, not an attempt to revolutionize society, but the bedrock of civil equality. Without it, the equal protection of the law is a sham. Take it away, Hannah:

The right to marry whoever one wishes is an elementary human right compared to which "the right to attend an integrated school, the right to sit where one pleases on a bus, the right to go into any hotel or recreation area or place of amusement, regardless of one's skin color or race" are minor indeed. Even political rights, like the right to vote, and nearly all other rights enumerated in the Constitution, are secondary to the inalienable human rights to "life, liberty and the pursuit of happiness" proclaimed in the Declaration of Independence; and to this category the right to home and marriage unquestionably belongs.

Arendt was as politically incorrect in her day as she would be in ours, of course, but her muscular liberalism contains a wisdom that still, I think, has res-

onance for both race and emotional orientation. Her point is that liberalism's pursuit of equality should end in the public sphere. If it meddles in the "social sphere," it destroys both itself and the freedoms it was designed to protect. And what she meant by the social sphere is even broader than what many conservatives defend today. Arendt argued that parents should not be forced to send their children to an integrated public school if they didn't want to. She clearly would have opposed laws against workplace discrimination. And heaven knows what she would have made of affirmative action.

But, as a true liberal, she believed in the right to marry. It's a strange paradox, this, and one worth reiterating. Marriage is a formal, public institution that only the government can grant; and yet it is also the most intimate and private of things, its meaning separate for each couple, its power a function of all those things—passion, jealousy, love, fidelity—that the cold, liberal state can never fully evoke. As such, it does what so few other things can: transform the private world by a public act. It is the intersection of the citizen and the person; the place where our public duties meet our deepest emotional needs.

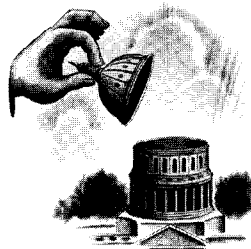
So when this institution cut through the barrier of race, none of Arendt's precious liberalism was compromised, but the world changed. It changed without infringing on anyone's liberties, without spending anyone's money and without setting up any government program. And yet it's arguable that this simple act did more to proclaim our racial equality—and deepen our racial dialogue—than any other measure this century. Along with full voting rights and military integration, it was a cold, public act. But, unlike both of them, it also touched the human heart. It made the most important day in most people's lives a celebration not simply of love and family, but of country and civil equality.

That is why it is so central to homosexual equality. Homosexuality, at its core, is about the emotional connection between two adult human beings. And what public institution is more central—more *definitive*—of that connection than marriage? The denial of marriage to gay people is therefore not a minor issue. It is the entire issue. It is the most profound statement our society can make that homosexual love is simply not as good as heterosexual love; that gay lives and commitments and

hopes are simply worth less. It cuts gay people off not merely from civic respect, but from the rituals and history of their own families and friends. It erases them not merely as citizens, but as human beings.

This was Arendt's point, too. Others were terrified of the consequences of such an idea. David Spitz argued in the same issue:

To fight now, as a matter of first principle, for the repeal of anti-miscegenation laws is, I believe, to give strength to the very contention that is most frequently, and by all accounts most tellingly, employed by those who resist the repeal of segregation laws—namely, the contention that this is but a device to promote sexual intercourse among the races.



Today, some gay leaders (and panicked Clintonites) similarly urge playing the issue down, for fear of backlash. But Arendt saw that they still didn't get it. In an icy response to Sidney Hook's argument that he preferred "equality of classroom" to "equality of bedroom," Arendt wrote that "by calling abrogation of racial legislation 'the equality of bedroom' (I did not believe my eyes), [Mr. Hook] reveals very clearly how little he understands human dignity, however much he may be concerned with social opportunity."

Her insight, of course, eventually became a commonplace, as the civil rights movement helped melt the interracial taboo. The process of integration—like today's process of "coming out"—introduced the minority to the majority, and humanized them. Slowly, white people came to look at interracial couples and see love rather than sex, stability rather than breakdown. And black people came to see interracial couples not as a threat to their identity, but as a symbol of their humanity behind the falsifying carapace of race.

It could happen again. But it is not inevitable; and it won't happen by itself. And, maybe sooner rather than later, the people who insist upon the centrality of gay marriage to every American's equality will come to seem less marginal, or troublemaking, or "cultural," or bent on ghettoizing themselves. They will seem merely like people who have been allowed to see the possibility of a larger human dignity and who cannot wait to achieve it. For better or worse. For richer or poorer.

In sickness and in health.

ANDREW SULLIVAN

MAY 6, 1996

WHO'S TERRORIZING LEBANON?

This was no "April Surprise." Last week's Israeli attacks into Lebanon were not (as they have been portrayed in the American press) a show of force designed to coincide with Israel's May elections; nothing is more alien to Shimon Peres's sensibility and to the kind of Middle East he preaches. Their timing and extent was determined by Hezbollah and by Syria, the power that pulls practically all the strings in Lebanon. No government could stand idle as Katyushas render uninhabitable its towns and settlements and wound some forty of its people. There is talk in Jerusalem and Washington of Iranian culpability in this grim round of violence. But a more proximate trail could be located: it points toward Syria and toward Hafez al-Assad, godfather of Lebanese politics.

We don't know what transpired when Lebanese Prime Minister Rafic Hariri made his obligatory trip to see Assad in the middle of this crisis. But Hariri surely knows the irony of his country's situation and the harsh reality of its Syrian captivity. Nearly three years ago, after Israel had struck into Lebanon for roughly the same reasons it did last week, Hariri took it upon himself to do what Israel had wanted him to: he began to deploy the Lebanese army in the south; he talked bravely of disarming Hezbollah. A quick rebuke came from Assad. Grave threats, quiet threats, were made. Hariri backed off; the Syrians had struck down bigger political men in Lebanon: the Druze leader Kamal Jumblatt, the Maronite president-elect Bashir Gemayel, countless others. Then, as now, Syria needed Hezbollah on the loose, and it needed the fiction of an independent Lebanese resistance movement beyond its writ and its control.

Syria's motives are not hard to divine. Peace reigns across the Jordan between Israel and the Hashemites. Israel's cold peace with Egypt has also managed to stick. Even the rehabilitated Yasir Arafat is in the charmed diplomatic circle. In the states of the Persian Gulf there are rumors of "gas deals" with Israel and the outlines of a more normal attitude toward the Jewish state. Alone Assad holds on, a practitioner of an archaic politics at once cruel and pathetic. A relic of the cold war, and of the era of the military coup d'état, the fabled Wizard of Damascus presides over the penal colony his country

really is and works his will through the shell of a fictitious Lebanese state.

This round of Hezbollah violence bears his fingerprints. He had nothing but disdain for the recent conference on terrorism in Sharm el Sheik, Egypt; he stayed away but bristled at his isolation. The terror that now engulfs Lebanon and northern Israel is more to his liking. It is an invitation to the relevant powers—the U.S., France, the other Arabs—to come courting. Iran may have played a role in last week's terror, and that role has been hyped in Washington, but its influence is subordinate to Assad's.

Hezbollah, Assad's chosen instrument in his steady campaign against Israel, is no underground cell of anonymous plotters. It is a visible feature of the Lebanese political landscape. It has twelve members in the parliament, a television station, a shopping mall, a soccer team, vast economic and business assets in Beirut, south Lebanon and the Bekaa valley. Assad's army and his securitate, the *mukhabbarat*, could do more than rein in Hezbollah's Katyushas. They could lay it waste.

The only way to redeem last week's violence, the surest way to spare both northern Israelis and Lebanese future cycles of terror, would be a full-scale effort to restore Lebanon's sovereignty. In the scheme of Middle Eastern things, Lebanon is a country of some meaning to Americans. American missionaries and educators made their appearance in Beirut in the 1820s. A vast Lebanese diaspora put down roots here more than a century ago. For all that, we have consigned the country to Syrian captivity. By one reckoning Warren Christopher has been to Damascus seventeen times. He has paid Lebanon scant attention.

Bringing about Syria's eviction from Lebanon would be a rite of passage of some worth. With that done, an Israeli-Lebanese accord would be no tall order. Israel harbors no designs over Lebanon and its territory. The worst-kept secrets in the Middle East are Israel's eagerness to find Lebanese interlocutors with whom to negotiate a withdrawal from its security zone in that country's south and both countries' desire for normalcy across what was once a decent frontier. •



NOTEBOOK

SIC TRANSIT: The Iranian news media has had difficulty reporting on the American presidential election because "Dole" is a Farsi slang word for "penis." ... Not realizing that a newspaper report that Democrats planned to put scandalized former House Speaker Jim Wright in charge of a congressional ethics office was an April Fool's Day joke, Oregon Congressman Wes Cooley publicly decried the plan as evidence that Democrats must not be allowed to win back a majority.... *The New York Times* calculated that over the twelve-year span of the show "Murder, She Wrote" 2 percent of the population of Angela Lansbury's fictional hometown was murdered.... Don Imus was inducted into the National Association of Broadcasters' Hall of Fame.... A course for Little Rock, Arkansas, police officers helps them differentiate between sign language and gang signing.... Steve Forbes guest-hosted "Saturday Night Live." ... Bill Clinton will play himself in the CBS movie *A Child's Wish*.

BACK TO THE FUTURE: Last week, the Forbesish Cato Institute blitzed Washington's faxes with a press release railing against one of the right's most cherished horrors: the tiny retroactive tax increase in President Clinton's 1993 budget. "[T]he issue of retroactive taxation," soundbited one of the scholars, "is no more complicated than the sports analogy every child learns on the playground—it's wrong to change the rules after the game begins." How soon they forget. Just a few months ago Cato was flogging Senate moderates for their principled decision *not* to cut taxes on capital gains that occurred the year before. "Left on the Senate's cutting board are sensible tax changes," wrote tax policy director Stephen Moore last November, including "making the tax cuts retroactive to Jan. 1, 1995." So it's okay to change the rules after the game

begins, after all, as long as you change them the right way.

BAD CHEMISTRY: Defense Secretary William Perry implied last month that the U.S. might bomb a suspected Libyan chemical weapons plant. We wouldn't shed any tears. But the Clinton administration might give a thought to stopping the chemicals from getting there in the first place. After three years of stalling, the Senate is finally preparing to vote on ratification of the Chemical Weapons Convention, which would require its signatories to eliminate their chemical stockpiles

and set up a tougher international monitoring system. True, non-signatory nations like Libya and North Korea would not be compelled to destroy their chemical arsenals or to open them up for inspections. But they would find it harder to import the ingredients that they mix into killer potions. A little Clinton administration muscle is needed to overcome the tediously predictable hostility of Jesse

Helms, chairman of the Senate Foreign Affairs Committee. North Carolina's senior senator is, as everyone knows, hostile to any international engagement. Bombings, of course, excepted.

WEAK CONSTITUTION: Last week, the congressional leadership had an insight that had managed to elude our country's Founding Fathers: the principle of majority voting shouldn't apply to tax increases. So after 207 years of neglect, Congress finally held a vote to redress this flaw. It failed, garnering only 243 votes. House Republicans are already operating under a self-imposed three-fifths requirement on any vote to raise taxes. Unfortunately, that rules out even tiny tax hikes, and thus they've had to waive the rule several times already. Learning from this experience, the amendment allowed "de minimis" tax increases. (No, its supporters don't understand what that means, either.) This left just one other problem:



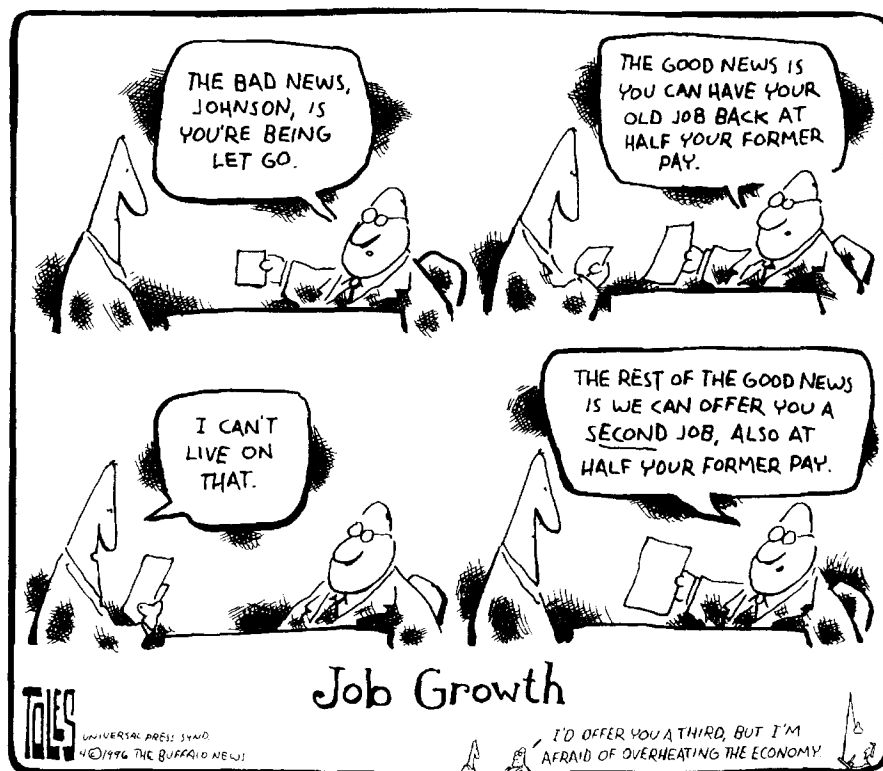
House Majority Leader Dick Armey and Ways and Means Committee Chairman Bill Archer want to push through tax overhaul plans that, since they raise taxes for some in order to cut them for others, would flout the three-fifths requirement. So, after much wrangling, they decided that the Constitution should forbid only tax changes that raise overall government *revenues*. But what of the supply-side argument that cutting the capital gains tax increases revenues and raising it lowers revenues? If you buy this claim—and many amendment supporters do—then the amendment would not forbid raising taxes on the wealthy but would forbid *cutting* them. Well, that's okay. After all, it's just the Constitution.

TIMES THEY ARE A CHANGIN': Last week a survey by Women, Men, and Media, a journalism watchdog group, trumpeted a purportedly shocking fact: although women constitute 52 percent of the population, they are the subject of only 15 percent of front-page newspaper articles. The study, according to *The New York Times*,

"found that coverage of men dominated not only the front pages but also the local-news and business pages." The phrase "coverage of men" is particularly revealing of the mentality from which this sort of study springs. First, there is the misappropriation of blame. Men are featured more often because they hold most of the power in the world. Newspapers didn't create this truth, they merely reflect it. Second, there is the implication that "coverage of men" is of interest only to male readers—as if women have less inherent interest in stories about President Clinton and Saddam Hussein. And, if news stories are usefully divided between coverage of men and coverage of women, it's only fair that each gender—not to mention every other subculture—be covered in proportion to its percentage of the population. Why rely on journalistic judgment of what constitutes an important story? After all, getting onto the front page of the *Times* isn't just for newsmakers. It's everybody's right.

YELLOW POSE: Strange things are happening this election season in Texas. First, Democratic voters choosing an opponent for Phil Gramm rejected local party heavyweights for the totally obscure Victor Morales, a high-school civics teacher who is such a political neophyte that he couldn't name congressional representatives from Texas. Then party switcher Greg Laughlin, heralded by Texas Republicans as their new hero when he joined the Republican Party last year, was snubbed by suspicious voters. We can chalk up the baffling Morales victory to the unfortunate Forrest Gump phenomenon. But, for

Laughlin, there's a less charming explanation. It's certainly not the strength of his opponent, Ron Paul, a former congressman and presidential candidate for the Libertarian Party who has been known to defend drug legalization and pornography in a less-than-tolerant district. And it's not for lack of high-level support: both Governor Bush and his father campaigned for Laughlin. Can it be that



those voters out there know a poser when they see one?

HOME NEWS: As virtually everyone knows by now, Andrew Sullivan recently decided to step down as editor of *THE NEW REPUBLIC*. After five years at the helm (and 250 issues under his direction), Andrew has resolved that he wants to write full-time. Not that he hasn't produced a weighty corpus even with the responsibilities of his editorship: his book, *Virtually Normal: An Argument About Homosexuality* (Knopf), and dozens of essays were almost universally recognized as both compelling and controversial. His stewardship of the magazine has been no less innovative and brave, expanding our range, sharpening our edge and always pushing the envelope. We are delighted to announce that his work will continue to appear in these pages regularly. He remains with us as a senior editor.—M.P.

THE NEW NEWT

By David Grann

Last month, after outraged moderates cornered him over a harsh anti-regulatory bill, Newt Gingrich bowed to their pleas and yanked it off the floor. A few days later a different group, this time angry hard-core freshmen, surrounded Majority Leader Dick Armey in his office. Fed up with the Speaker's bleeding-heart betrayals, they sought a new commander for the revolution. "The truth is," freshman Representative Steve Largent said later, "Newt is no longer the polar right."

The incidents underscore one of the strangest turnabouts on Capitol Hill: Newt Gingrich, the man who led the seventy-three freshmen into battle only a year ago, and is still regarded as an extremist by much of the public, has emerged as a hero of moderate Republicans and the bane of hard-line conservatives. "Since he became Speaker, Newt has become hostage of a few moderates, at the expense of the rest of the conference," snapped one angry GOPer. Hard-core freshmen, who once hung on the Speaker's every word, now dismiss his fiery rhetoric as just that—rhetoric. "He says things to the right of me," complains freshman class vice president Mark Souder, "but then moves halfway around the world."

Moderates like where Gingrich has ended up. The former bomb thrower has embraced Bob Dole, a man he once denounced as the tax collector for the welfare state; forced his unruly freshmen to reopen the federal government; supported the pro-choice General Colin Powell as a possible Republican vice president; defended freedom of expression in cyberspace; fought to save endangered species; flirted with a budget deal with President Clinton; and opposed gutting affirmative action.

Behind these seemingly mainstream stances is the Speaker's peculiar "progressive" conservatism—an amalgam of free-market principles, states' rights and technological utopianism. While Gingrich looks optimistically to the future, many social conservatives pine for the past. The two sides have increasingly clashed, most notably on censoring the Internet. "Newt thought conservatives were spitting against the wind of history," says Souder. "But at least I could say I went down spitting."

As campaign '96 rolls around, Democrats are gleefully fanning Newt's militant public image. But, in their more reflective moments, even they admit that he is less ideo-

logically driven than many in his party. "He never was a true conservative," says Representative Neil Abercrombie, a long-haired liberal from Hawaii. "I don't know why people ever got that idea. They confused opposition with conservatism and ambition with conservatism."

Most of Gingrich's moderate positions are rooted in a realpolitik that transcends ideology. "Newt is a conservative driven by conservative principles," says his spokesman, Tony Blankley, "but he is practical enough to solve any problem." Gingrich's problem in the minority was how to gain a majority; now it is how to maintain one. As a result, he has consistently placated the party's thirty or so moderates, who often enjoy more leverage than their conservative counterparts because they may, in a pinch, vote with the opposition. He conspicuously excluded divisive social issues such as abortion and school prayer from the Contract with America. And, since taking power, he has strategically placed moderates like New York's Sherwood Boehlert at the helm of several of his new task forces.

Quintessential New England moderate Chris Shays, a former Gingrich foe, now hails him, without a hint of irony, as "one of the finest thinkers in Congress, a true patriot." But the flip side is that Gingrich has begun to lose his once-unassailable conservative base. Most

hard-liners celebrated when Gingrich announced last month that he would no longer micromanage the House in order to concentrate on the GOP's message. Hard-liners had harrumphed because, while Armey has always run the day-to-day operations of the House, moderates had increasingly circum-

vented the more doctrinaire majority leader during contentious battles, pleading their case directly to Gingrich. After deficit hawks eliminated housing money for AIDS victims last year, some thirty moderates marched into Gingrich's office. "Afterwards, most of the funding was reinstated," says moderate Representative Rick Lazio. "I'd say we won."

It is such caves that have led previously ardent followers to question Gingrich's conservative credentials. Representative Tom Coburn, head of the family caucus, scoffs at Gingrich's self-described "progressive" conservatism: "Frankly, I don't know what that is."

Though many freshmen have been stunned by Gingrich's moderation, Republicans who have known the Speaker for years are less surprised. After all, the pear-shaped professor was once a Rockefeller Republican, crusading for civil rights. "The moderates like Newt," says Resources Chairman Don Young, a fiscal conservative, "because Newt has always been a moderate." Many moderates supported Gingrich's bid for minority whip in 1989 over Ed Madigan, a fellow centrist. In part, they knew he could help them return to the majority, but they were also able to distinguish between Gingrich's guerrilla tactics and ideology. "I was a backbencher who knew that in order to be effective," Gingrich confessed to *Atlanta Magazine* in 1990, "you had to use certain techniques."



Newt the Speaker no longer throws bombs the way he did as a member of the opposition. This is why, according to many aides, Gingrich pursued budget negotiations with Clinton last fall, even after Dole, the famed deal maker, had decided that long-winded soirées at the White House were counterproductive. What has undermined the Speaker is his inability to exploit his own moderate positions: most Americans still see him as an ultra right-winger, and his approval ratings are as low as Richard Nixon's at the height of Watergate.

This public unpopularity has ironically strengthened the House radicals, who seem prepared, if need be, to jettison their former guru. "There are thirty people other than just the Speaker who have the leadership ability and confidence to hold the conference together," says Coburn. In contrast, Shays, the Connecticut moderate, says, "It's a little scary, but I think Newt is indispensable."

For the moment, Gingrich still maintains the trust of most in the party. He remains their best communicator and fund-raiser. And moderates—in a panic over Armeý's recent ascension—believe the voluble Speaker will still come to their rescue. After Gingrich's intervention on the regulatory bill, moderate Representative Ray LaHood said happily, "Gingrich is still calling the shots."

But with Gingrich's former supporters now occupying his infamous back bench, the Speaker is already showing signs of retreat. To appease the true believers, last month he scheduled a vote, after nearly a year of delay, on repealing the assault weapons ban. And, with the fall election closing in and Armeý prepared to step into the breach, Gingrich may soon be forced to become the one thing he has never been in his heart: an extremist.

DAVID GRANN is the executive editor of *The Hill*.

WHITE HOUSE WATCH

GEEZERS FOR GRABS

By Matthew Cooper

James Butler's office on the sixth floor of the American Association of Retired Persons headquarters in Washington is as nondescript as Butler himself, a middle-aged man with metal spectacles and a gentle mien. But the power of what Butler is doing with the AARP behind him is anything but commonplace. Butler is director of AARP/Vote, the organization's effort to "educate" its 30-plus million members about campaign issues. "We're trying to get them up to speed," says Butler. Ramming speed is more like it. Butler knows what

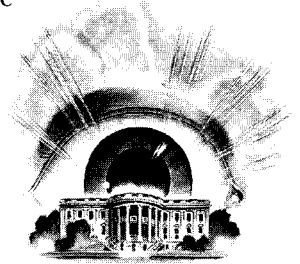
politicians across the country know: the elderly vote can shape the election.

Of course, every identity group tends to tout itself as a swing vote—the better to attract favor from those in office. In the early '90s, we heard talk about how the angry white male was the pivot of American politics. Now *The Wall Street Journal* and the *National Journal* are touting their analog, working-class women, as a key voting bloc. Latinos and Michiganders, suburbanites and Californians—all are would-be kingmakers. But when it comes to seniors the hype may meet the reality.

Why? First, the elderly vote in far greater numbers than the rest of us. Second, they're concentrated in some key states—most notably Florida, where they're more than 18 percent of the population, but also in places like Pennsylvania and Iowa, where the elderly population is over 15 percent. Finally, thanks to their dependence on Medicare and Social Security, they have a tangible connection to—and interest in—what goes on in Washington. "One-hundred percent of the next election will be determined by 30 percent of the voters—and a big chunk of them will be senior citizens," says Patrick Burns of the National Council of Senior Citizens. To be sure, the elderly vote is hardly monolithic. Those over the age of 65 run the gamut from Palm Beach bond holders to poor North Dakota widows. But as diffuse as they are—the AARP accepts persons as young as 50—the elderly vote is worth courting.

And where does the elderly vote go this year? Historically, it's tended to lean slightly Democratic—a kind of lagging indicator of when the Democrats were, without a doubt, the country's majority party. The threat of cuts in Social Security frightened seniors and helped the Democrats in the 1982 congressional elections—and convinced the GOP to stay away from serious entitlement cuts for a dozen years. In 1992, Bill Clinton won a larger percentage of the elderly vote than any other age cohort; for instance, 50 percent of those 60 and older voted for Clinton, versus 41 percent of those 45 to 59. But in 1994 the elderly vote sidled up to the GOP—frightened by talk of replacing Medicare with Rodhamcare. In exit polls following the 1994 elections, seniors voted Republican—by a minuscule margin, yes, but gone was the once-potent Democratic advantage.

What a difference a year and a half makes! Since Newt Gingrich's halcyon days in November 1994, seniors have swung back to the Democrats with vehemence. Seniors would now vote for Clinton over Bob Dole by a margin of 59 to 38 according to an April Gallup Poll. The turnaround stems from the Medicare battle of 1995, the first serious effort to take on entitlements since the GOP's '82 debacle. (In the 1980s, a bipartisan agreement led to the treatment of Social Security benefits as income subject to partial taxation. The recent GOP effort to contain Medicare spending,



though, was much more profound.) Just as the Democrats overreached with health care, so, too, did the GOP with entitlement curbs. Sure, the rest of the country has also moved away from this GOP policy; but the elderly have been particularly frightened by the Republican proposal to curb Medicare spending by \$275 billion and its consequent push of more seniors into Health Maintenance Organizations (HMOs). It didn't help the Republicans any that Dole, at a conservative gathering, boasted that he had been among the handful of Republicans to oppose Medicare when it was created in 1965. And when Newt Gingrich publicly acknowledged that he hoped that Medicare would "wither on the vine"—well, that didn't exactly warm Grandma's heart either. Not surprisingly, then, the latest CBS/*New York Times* poll finds that by a margin of almost three to one those over 65 trust Clinton more than the Republicans to protect Medicare. Pollster Stan Greenberg finds that elderly women are the most mobilized group in the electorate.

The elderly vote seems safe for the Democrats—but only for now. Not surprisingly, then, new ads from the Democratic National Committee proclaim that Clinton will "preserve Medicare." And the Clinton-Gore re-election effort, which won't officially get under way until the convention, is eyeballing Florida, the nation's fourth-largest state and one the Democrats haven't won since 1976. "We're going to play hard there," says White House political director Doug Sosnick, although some in the Clinton entourage worry about spending big money on a conservative state.

For the Dole campaign, the elderly present opportunities, but mostly landmines. On the plus side of the ledger, Dole has scored very well with elderly voters during the Republican primary season. In Iowa, Dole actually lost the under-65 vote to Pat Buchanan and only tweaked out a slim, campaign-saving victory because of the elderly vote. Can he get the elderly vote among the much larger—and more Democratic—general election pool? Florida Republican Dan Miller thinks so. His congressional district has the highest concentration of elderly people in the country. The two-term congressman waxes confident that the retirees in Sarasota and other Gulf Coast towns that he represents will respond viscerally to what he calls Dole's integrity. "I've had people stop me at the grocery store and say that they voted for Clinton because he reminded them of John Kennedy," Miller says of his district, which is 31 percent elderly. "But then the first thing he did was gays in the military. No, on the issues of war records and infidelity, on the issues of integrity and trust, Dole wins."

But Dole's efforts at generational solidarity aren't working so far. Just short of playing Benny Goodman albums at his rallies, he's done everything to appeal to World War II nostalgia. And yet those over 65 were much more likely to tell CBS/*New York Times* pollsters that they consider Dole's age to be an "obstacle" than did younger respondents. Crime weighs heavily on the minds of the elderly, much more, according to polls,

than it does with those younger. But Clinton's pro-death penalty, pro-gun control position is keeping him even with Dole on this once solidly GOP issue. Unless Dole, 72, can make his "one more mission" pitch work, he'll have a hard time winning his fellow seniors.

It would be nice if the battle for the elderly vote brought out the best in candidates. Alas, it probably won't. Clinton will demagogue Medicare, unwilling to acknowledge that fundamental reforms need to be made in the system. And Dole will be equally disingenuous, saying that the GOP Medicare plan won't affect seniors and at the same time claiming it will save \$275 billion. It's probably telling that one of the really bad GOP ideas—transforming the *Medicaid* for the poor, many of them elderly, into block grants—has attracted relatively little public attention. There is one good sign, though, and it comes from a surprising place: the AARP. The group has, of course, been roundly criticized for its knee-jerk defense of entitlements. But it is now, to its credit, pushing hard for issues that have nothing to do with entitlements—like campaign finance and tax reform. If the elderly use their clout on issues besides their own checks, it might just be worth sitting through all the pandering we're likely to witness. •

The search for black men.

SHE'S GOTTA HAVE IT

By Debra Dickerson

The February 1996 issue of *Essence* features an adapted excerpt from Dr. Ronn Elmore's new book, *How To Love a Black Man*. The cover presents four shirtless, simmering hunks promising all sorts of sweaty naughtiness with their x-ray eyes; a bonus two-page spread inside adds two more barely dressed, steroidal brothers. I ogled them appreciatively even as the nagging suspicion grew that I was about to be schooled, yet again, on how unsupportive and emasculating I am to the legion of together brothers eager to make me their queen. Sorta like the jiggling blonde in the car commercials who simultaneously excites and angers because you can afford neither her nor the vehicle.

The manipulative appeal of an article like the one in *Essence* is obvious enough, but the questions behind it still demand consideration. Does loving black men really require special training and, if so, why? How difficult is it to learn? Is it inherently difficult or difficult only because it requires abasing, or in some other way minimizing, ourselves?

Loving, healthily and reciprocally—isn't that really

the only true difficulty, all other considerations mere distractions? The white Princeton graduate downsized from Wall Street may well consider himself just as victimized and punished for his race as the last-hired, first-fired inner-city brother booted out of the mailroom. He may be wrong, but trying to convince him of that will only make him pack his bags. All that really matters is that he's going to bring his wounded pride home with him for you to deal with. Mia and Woody, Lorena and John, Jim and Tammy Faye: all white, but it didn't make their relationships any easier, did it? Doesn't it all just come down to two clueless humans desperate to wrest something meaningful from the complicated tangle of their baggage?

Well, no. At least not according to the black section at book stores. The recent explosion in black-oriented self-help and relationship books—most of them aimed at women—is astounding. *How To Love a Black Man*; *How to Marry a Black Man*; *Black Pearls Book of Love: Romantic Meditations and Inspirations for African Americans*; *Girlfriend to Girlfriend: Everyday Wisdom and Affirmations from the Sister Circle*; *The Black Woman's Guide to Financial Independence*; *Success Runs in Our Race*; *In the Company of My Sisters: Black Women and Self-Esteem*; *In the Spirit: Lessons in Living*; *Black Sun Signs*; *Acts of Faith: Daily Meditations for People of Color*; *Getting Good Loving*; and *The Best Kind of Loving*. “*Essence's* Best-Sellers,” a monthly feature modeled on *The New York Times's* best-seller list, identifies many more. What exactly is going on between black men and black women? And whatever it is, is it really race-specific?

The short answer is yes and no. Susan Faludi, in *Backlash*, challenges the notion that it's women who crave marriage and provides some convincing data: 90 percent of the women surveyed in one recent study said they could be “happy and complete” without marriage; 90 percent of never-married women said “the reason they haven't [married] is that they haven't wanted to yet”; and nearly 60 percent of single women thought they were a lot happier than their married friends. As Faludi points out, “men far outnumber women in dating services, matchmaking clubs, and the personals columns” and, once they marry, seem to fare better in all sorts of areas, including mental health, than their single counterparts.

Trouble is, it's white people she's talking about. When somebody gave me Faludi's book for Christmas a few years ago, I stayed up until 6 a.m. devouring it. But even as I amen-ed every page, I knew it didn't include me. Any black woman, especially one with a college education, knows she will not be outnumbered by black men *anywhere* unless she does community service at the city jail. In the African American dating game, men occupy the driver's seat, and they bloody well know it. College-educated or college groundskeepers, substance abusing or born again, living in his mama's basement or running his own company: a brother knows he's worth his weight in gold chains. While Faludi trashes the notion of a man shortage, she really only means a white

man shortage. That's where black relationship books come in—they give substance, not to mention validation, to what a black woman's common sense has already told her.

In the best of the books I read, *Getting Good Loving: How Black Men and Women Can Make Love Work*, Audrey B. Chapman, a talk-show host and therapist, makes clear the chasm between black men and women. While the family has taken a beating across all racial and economic strata in America, blacks, as usual, got ebola while everyone else caught a cold. In 1970, 68 percent of black families were headed by couples; it's 44 percent today. The black divorce rate tripled from 100 per 1,000 married persons to 300 per 1,000; only 35 percent of adult black women are married now, compared to 70 percent in 1960. Jesse Jackson made it clear to the nation that there are more young black men in jail than in all our colleges combined. Quoting *Black Enterprise*, Chapman says that “for black males under the age of 25, marriage is virtually nonexistent.” Twenty-three percent of single black men state an intention never to marry (compared to 13 percent of white men).

Hence, *How to Marry a Black Man* by MRS. de Jongh and MRS. Cato-Louis. Like most self-help books, this one posits individual solutions to what is essentially a social problem: in this case the shortage of marriageable black men. I need their book, the MRS.s scold affectionately, because “[a]nswer[ing] the soul-searching questions and do[ing] the meditations and the exercises [will] force [me] to face the only real obstacle between [me] and marriage: [me]!” They believe that I have probably already met my ideal black man. “It's just that deep down inside, you believe that you don't deserve him. [I do? why?] *We know you do!*” [They do? how?] They further inform me that it will take approximately two years to “transform from the single career partygirl diva [I] now [am] into the Mrs. [I am] destined to become.” I haven't had a date in nearly three years; I haven't danced with another human present in two. My bare ring finger, I suspect, has more to do with my two-page résumé than anything else. A diva I ain't. And, anyway, since when do divas suffer from low self-esteem?

It's easy to poke fun at *How to Marry a Black Man*. Pocket-sized and repetitive, it purports to be a workbook—this, of course, because the blank spaces required for the fill-in answers are the main reason for the book's length. “List a few things that you love about yourself.” *That I refuse to answer questions like this.* “What is it about making decisions that causes you anxiety?” *Being really, really wrong.*

Still, for all its twaddle, *How to Marry a Black Man* impressed me. Not that it isn't replete with New Age silliness, Afrocentric babblings and pseudo-feminist apologetics. But it's also dead-on in many of its observations and definitely useful for women who want to transcend their cynicism, hopelessness and anger (well-deserved though it is. Not that I'm bitter). What's wrong with wanting to marry? What's wrong with going about it with the same

vigor and zip with which we attack our educations, careers and the Electric Slide? Nothing and nothing. (If they could just stop referring to it as "getting him to marry you" like "getting him to give you a kidney"; there is something in it for him, after all.)

The secret of a book like this, though, is that the advice it dispenses has nothing to do with being black (even if the problem it addresses does). That's just niche marketing, like the "ladies'" tool set, complete with bilious pink handles and frilly cozy-covers that so thoroughly pissed me off at Sears a few years ago. These books? Hammers with kente cloth handles.

Los Angeles psychotherapist Ronn Elmore, the author of *How To Love a Black Man*, offers insightful advice boiled down to snappy one-liners; reading the book feels like watching an infomercial, but for something useful. Obviously successful at his chosen line of work, Elmore offers a running patter that is far and away the most entertaining and easily digested of the lot. His word usage is pleasantly snappy, though not in the least "black"—he says "darndest" sans quotations marks, but "half-assed" is just that, self-consciously bracketed. In any event, the mostly sound advice in both books is easily applied across cultures.

It is Chapman's book alone that sheds light on the problems specific to black men and women; thank God she doesn't embarrass herself scattering hip-hop terminology "willy-nilly." Hers was the only book I actually *read* for its own sake and intend to spend more time with. She made me check myself. She talks about the unrealistic expectations we saddle each other with because of the "Entitlement Syndrome" (which, no doubt, will be gleefully pounced upon by the right). Some blacks, she posits, expect their partners to make up for everything their parents and society couldn't or wouldn't give them and to which they feel entitled; these kinds of expectations can be, to say the least, rough on a relationship. Do others have the same problems? Yes, but they don't play themselves out in the same ways.

Being one of those East Coast elites that the dead-white-men-in-training at *National Review* so hypocritically dismiss, I am not embarrassed to say that I do not read self-help/relationship books, and I do not adhere to the idea that if it's black it must also be good. Can I now go so far as to admit that I was nonplused to find, in the black aisle at Crown Books, Ellison's *Invisible Man* next to Elmore's *How To Love a Black Man*? Baldwin's *The Fire Next Time* next to Boyd's *Girlfriend to Girlfriend*? What have they in common besides melanin and the alphabet?

My snobbery aside, these books reflect the prevailing angst of the critical mass of blacks who have struggled their way up the national food chain and into the middle class. *Girlfriend to Girlfriend* may not be great literature, but the dearth of black men is a crisis I live with daily. I would fear for my people and for my country if *Native Son* could still be written today.

DEBRA DICKERSON is a lawyer in Washington.

The movement to save marriage.

SEPARATION ANXIETY

By Hanna Rosin

For the past three years, family values crusaders have been like wandering tribes, fervent and armed but with no place to go. In a euphoric moment after Clinton's election, the tribes united when left-wing communitarians joined their erstwhile conservative foes: a Democratic president declared the answer to poverty was "stable, intact families," and Donna Shalala, parroting the famous *Atlantic Monthly* article, professed that Dan Quayle was right. But the bipartisan convergence deprived both sides of an enemy. "We were lost," sighs David Blankenhorn, from the liberal Institute for American Values. "We had no momentum."

Then this year came a revelation, "like a bolt of lightning," recalls Blankenhorn. The enemy, he and his colleagues realized, was divorce law and, more specifically, "no-fault" divorce reform of the '70s, which allows couples to end their marriage without blame. Instead of having to choose from a menu of sins—adultery, mental cruelty, desertion, imprisonment—no-fault freed a new generation to break up simply because of "irreconcilable differences." "When you change the laws to make divorce quick and easy, you don't need a Ph.D. to know what will happen," he adds. "You'll erode the American family."

Blankenhorn's epiphany sparked a string of conversions. In January, Iowa's Republican governor, Terry Branstad, launched the "Campaign for the Family" and drafted a bill requiring stronger grounds for divorce. Then, on Valentine's Day, a Michigan state representative, Republican Jessie Dalman, introduced a bill overturning the state's no-fault law, arguing that it "cheapens commitment and degrades lifelong love." By April, eighteen states had followed, introducing laws forcing marriage deserters to confess their sin or stick it out. In the meantime, Democrats in Washington turned up the rhetorical heat: in *It Takes a Village*, Hillary Clinton writes that she is "ambivalent about no-fault divorce when children are involved." And her husband agrees, telling congressmen at his national prayer breakfast in February, "It may be that it ought to be a little harder to get a divorce...."

The new divorcephobes accept as an axiom that the no-fault reform wrecked a generation of marriages. "To me, this is like debating whether the earth is round," says Blankenhorn. But the truth is more complicated. The reform may have contributed to a rise in divorce rates—but only compared to the pent-up, atypical '50s. Outside this historical blip, the rate has been steadily climbing since the Civil War, worldwide. The end of

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marriage begins not with Dr. Spock, but with John Milton, who in his "Doctrine and Discipline of Divorce" declared that without it marriage sours into "drooping and disconsolate household captivity." The more worrisome phenomenon these days is that fewer families form in the first place—a trend that nixing no-fault is likely to encourage by scaring off the already marriage-shy.

How did divorce, once seen as the path to personal happiness, start looking like the seed of America's destruction? The turn begins in the '80s with a defector from the feminist line. When Harvard professor Lenore Weitzman polled 228 women divorced under California's 1969 no-fault statute, she expected to find reduced levels of bitterness and acrimony. Instead, she stumbled on what she called the "new poor," a class of disillusioned women whose incomes had dropped 70 percent after their marriages ended.

Weitzman's portrait of female suffering permanently complicated the easy equation between divorce and women's autonomy, although it's now thought to be exaggerated; the standard figure for income loss has been revised down to 30 percent. It took research on another set of victims—children—to really jumpstart the anti-divorce movement. The study on children most often quoted by divorcephobes is "Growing Up With a Single Parent," published last year by professors Sara McLanahan of Princeton and Gary Sandefur of the University of Wisconsin. The two researchers concluded that, regardless of the race or education of the parents, children who grow up in single-parent homes fare worse at every stage of life: they get lower grades from middle school on and are more likely to drop out of high school; they get worse-paying jobs and are more likely to be unemployed and even to end up in jail. "The evidence is clear," they concluded. "Children who grow up with one parent are definitely worse off."

This research did for the anti-divorce movement what secondhand smoke did for tobaccophobes: it created innocent bystanders. "Children are the quintessential vulnerable citizens. They need and deserve our help," wrote William Galston, Clinton's former domestic policy adviser and an early disciple of the anti-divorce movement. He could now frame the issue in terms only a brute could argue with. "In the end it comes down to a moral question: Is our society willing to put the well-being of children first, even when it may restrain our passion for unfettered autonomy?" What politician could resist? Jessie Dalman's press packet includes a copy of a hand-scrawled letter from a grateful tyke: "Dear Honorable Jessie Dalman, I wanted to write to you and let you know I am supporting you and your stand of divorce reform and I am praying for you. Love, Drew."

Drew may be convinced, but the researchers who interviewed his cohorts are baffled. "That sounds like a bad idea," says Sandefur, when asked about the anti-no-fault movement. "People who get divorced probably should get divorced. The worst thing for kids is to be around a constant state of warfare." McLanahan is equally bewildered. "It's a bit of a sham," she says. "Just

an easy fix that will appeal to voters."

To prove no-fault's pernicious influence, the Galstonites rely on a study published last year in the *Journal of Marriage and the Family*, which showed that the divorce rate increased by 15 to 25 percent in the three years following the switch to no-fault in forty-four of the fifty states. But, as Andrew Cherlin, another researcher often cited by Galston, points out, they're missing the first rule of statistics: correlation does not prove causation. The divorce rate has been rising steadily since the 1800s, and it surged in the early '60s—fifteen years before no-fault laws were widespread. The sudden spike in the three years following the reform came from a backlog of cases.

Like it or not, the country is accustomed to divorce; the only thing squelching no-fault will do is to recreate the sham of another era, when couples who wanted to divorce were obliged to invent affairs and abuse. "In New York, where adultery was the only grounds for divorce, people set up an appointment in a hotel room with a model and a photographer," recalls Herbert Jacob, a professor at Northwestern University who studies divorce. "If the judge wanted mental cruelty, your lawyer would tell you to say he called you names. If the judge wanted physical cruelty, the lawyer would recess, and you'd come back in a few minutes and say he slapped you."

Family boosters balk when they are called retrograde, and even the most conservative among them have learned to defend the reform in feminist terms. "We only want to return justice to marital dissolution," says Kristi Hamrick of the right-wing Family Research Council. "Returning fault gives women a powerful weapon." If the abandoned wife can pin blame on her husband, goes the argument, she can wangle a better settlement. But even this new twist is grounded in Victorian wisdom. "There's a lot of truth in the stereotype," Hamrick continues. "A gentleman decides to change his old wife for a new trophy model, so he writes one check and leaves. Our way gives the woman back some power." In fact, in up to 65 percent of cases, it's the woman who asks to get out of the marriage. And the image of the vulnerable wife rendered helpless by divorce is out of date: in the age group most likely to divorce, 30 percent of women had jobs in 1960; now, three-quarters do.

A truly feminist, pro-child divorce reform would look something like this: dock alimony and child support automatically from the sole or primary wage-earner's paycheck, and let whoever has primary custody of the children keep the house. To punish trophy hunters, force them to support the first set of children at the same living standard as the second. This was the radical track Weitzman, who opposed returning to a fault system, suggested in her book and still supports: "Society's views of marriage are reflected in its post-divorce laws," she says. "If we don't reward a mother with alimony, what we are really saying is we don't care about someone dedicating her life to supporting a family."

Since the days of Weitzman's research, state laws have advanced—by splitting pensions, for example, or sham-

ing deadbeat dads. Wisconsin even ensures mothers tax-supported child support. But most states are far behind for what some researchers suspect is a sinister reason: many legislators are divorced men. As Galston points out, the first no-fault statute was drafted by California Assemblyman James Hayes, who divorced his wife of twenty-five years to marry a younger woman. Fourteen of the fifteen people who testified for the law were men; ten were divorced.

For Galston, drawing attention to the sins of the over-class is a matter of playing fair, making sure "family values" does not become another way to demonize the poor: "This change is about us, not them," says Galston. But the movement's greatest fault is confounding "us" and "them." In Maggie Gallagher's *The Abolition of Marriage*, there is a chapter describing the author's apocalyptic visions of a "post-marriage" society. It opens with Raphael Rympel, a Haitian schoolboy shot dead in the playground. This happened in Crown Heights, but "there is no escape from Crown Heights," Gallagher writes, "because every neighborhood in America is just like it," by which she means that every neighborhood in America is an open sore left by divorce culture. The poor children there are no worse off than Melissa, a smart and pretty pre-law student who, as a child of divorce, is haunted by fears of abandonment. "Even most concentration camp survivors grow up to be law-abiding citizens," Gallagher memorably puts it, explaining why outward success is deceptive.

To show that divorce doesn't discriminate, Gallagher cites a well-known study by Judith Wallerstein, in which sixty mostly affluent California families were tracked for ten years. Only one-third of the divorced dads chose to pay for their children's college; 60 percent of the children did worse in school than their fathers. If these white, educated, upper-middle-class children can't hack it, Gallagher suggests, just imagine what happens to the black and poor. She seems to forget that it's only in white, middle-class America that too much anxiety seems as bad as too little money. Comparing the two is like saying if Woody Allen can't keep his family together, imagine what will happen to the rest of us.

It's hard to imagine the family faithfuls really believe that changing divorce law is the best they can do for the Raphael Rympels of this world. At least for the politicians of the movement, dragging the Rympels into the debate is useful for other reasons. Governor Branstad of Iowa began our conversation by citing the usual litany of doomsday statistics: "Poverty, drug abuse, juvenile delinquency, the crime rate, are all associated with the breakup of the traditional family." But in his "Campaign for the Family" it's not the juveniles he is concerned about. "If a child grows up angry in a broken home and feels like nobody loves them, it's likely they'll become a drug addict and rob you."

And, if it's not the underclass he's worried about, Branstad can rest easy. In the last few years, there's been a yuppie stampede to America's altars: a 1993 University of Pennsylvania study found female college graduates were marrying younger than they did in the '70s. We've always

been the most marriage-happy Western country, and lately we've started to celebrate it with a vengeance. In movies, books and syrupy newspaper features, America is suddenly awash in nuptial splendor. Screen hits of the '70s celebrating wives unshackled by divorce—*An Unmarried Woman*, *Kramer vs. Kramer*—have been replaced by parables of couples who stick together through affairs, alcoholism and streams of verbal abuse: *Flirting with Disaster*, *Something to Talk About*, *When a Man Loves a Woman*, *Leaving Las Vegas*, "Married With Children." In bookstores, *The Creative Divorce*, a best-seller of the divorce decade, has been superseded by *The Good Marriage*, Judith Wallerstein's book of secrets to making love last.

It's a shift the Galstonites, in their self-styled Jeremiad pose, recognize. "The people of your generation, the children of divorce, are displaying a yearning for restoration," Galston explains. "Faced with the reality of divorce, Generation X is expressing the ardent hope that 'This won't happen to me.'" Then, pausing for a sip of coffee, he lets me in on the cosmic secret: "Sociologists think this might be the Great Awakening."

Heralding it in is a burgeoning cottage industry of marriage supporters, the cheerleaders for the anti-no-fault movement. Across the country, groups dedicated to ending the plague of divorce are spreading the gospel of a new kind of sustainable union—the "good-enough marriage." Christian columnist Michael McManus is the Johnny Appleseed of this pro-marriage movement. The concept of no-fault offends him, he says, because it promotes the kind of starry-eyed romantic expectations no marriage can fulfill and prompts couples to give up too quickly. "Abraham did not get along with Sarah," he says. "No marriage is perfect."

McManus and his acolytes are convincing churches across the country to implement what they call "community marriage policies"—an elaborate network of marriage support where those considering divorce are baraged by caring peer couples who have come back from the brink. In the last year, the number of pledging communities has jumped from fourteen to forty-two, McManus says. First to implement the scheme was Modesto, California, well-known as a laboratory of experimental spirituality. The policy seems to have worked there: since it began a decade ago, divorce is down 7 percent, although the population increased by 40 percent. Couples who apply to marry in one of the Modesto churches must go through as many as ten two-hour counseling sessions and take a personality test designed to detect fault lines. About 10 percent of these couples break their engagements.

McManus's miracle program is *Retrouvaille*, an intense peer counseling system founded in Quebec in the '60s, which claims to save 90 percent of the 5,000 floundering couples who participate each year. The program operates on a kind of reverse Tolstoy principle—all unhappy families are unhappy in the same way. They all fail because of "poor communication," because husband and wife "mistake feeling for thought." Couples trained

in the Retrouvaille method repeat their intimate tragedies in rehearsed monotone: McManus, for example, tells me with no hesitation that, though both his parents were alcoholics, he “grew up a whole person” because they stayed together. In the Retrouvaille world, no marriage is too broken; McManus has patched together alcoholics, abusers, even one wife and her bisexual husband who’d been having affairs for eight years.

McManus is lit by a kind of cultish fervor that pities all who do not possess it. One Friday afternoon, the 6’7” preacher is crammed into a chair at a Washington studio, the pro-marriage guest on a trashy low-budget show called “NewsTalk” being filmed in New York. The subject is “Should couples stay together for the sake of the children?” and the other guests are divorced women and couples who have saved their marriage. When a divorced mother describes why her marriage was irretrievable, McManus leans over to me and whispers, “She hadn’t heard of Retrouvaille.” When the talk-show host doesn’t mention Retrouvaille, McManus throws a fit: “What are you doing? Talk about Retrouvaille. R-E-T-R-O-U-V-A-I-L-L-E. That’s why I came. They told me I could. . . .” He is cut off, and a production assistant is called in. “But they told me they would talk about it,” he says petulantly. “All you want to do is focus on the negative.”

This patient patronizing, waiting to erupt into angry judgment, is not unique to the religious preachers of the pro-marriage movement. In what communitarian guru Michael Lerner calls his “Progressive, Ethical Covenant

with American Families,” the manifesto for a two-day worryfest held in April, he confuses political platforms (“Reduce the work week”) with moral ones such as “Support people to work through difficulties in relationships” and “Support single people and those leaving oppressive relationships.” These seem innocuous and obvious enough, until you get to the dogmatic details: divorce is a result of the “supermarket mentality” and “market consciousness” of America. Yet, at the same time, “we want to reject attempts to stigmatize the decision to leave an oppressive relationship,” given “the distortions in human relationships fostered by the legacy of patriarchy and the dynamics of a society dominated by materialism and selfishness.” The actual advice must be irrelevant, since the two platforms are exactly contradictory; what’s important is achieving that perfect pedagogic pitch.

Across the states, it’s this tone that is winning out over substance. Most of the no-fault repeal bills are in embryonic stages, and, at best, a few will squeak through this year. In Iowa, Governor Branstad has given up on repealing no-fault this session but is fighting for a series of community forums discussing “the importance of strong families” and a requirement that divorcing parents attend re-education classes to learn about the impact of divorce on their children. It’s like McManus becoming incensed that schools teach “math and science but not marriage.” But at least McManus has been to the brink and back and understands that marriage is a messy business. For the rest, it’s just a matter of night school. •

The case for gay (and straight) marriage.

FOR BETTER OR WORSE?

By Jonathan Rauch

Whatever else marriage may or may not be, it is certainly falling apart. Half of today’s marriages end in divorce, and, far more costly, many never begin—leaving mothers poor, children fatherless and neighborhoods chaotic. With timing worthy of Neville Chamberlain, homosexuals have chosen this moment to press for the right to marry. What’s more, Hawaii’s courts are moving toward letting them do so. I’ll believe in gay marriage in America when I see it, but if Hawaii legalizes it, even temporarily, the uproar over this final insult to a

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besieged institution will be deafening.

Whether gay marriage makes sense—and whether straight marriage makes sense—depends on what marriage is actually for. Current secular thinking on this question is shockingly sketchy. Gay activists say: marriage is for love, and we love each other, therefore we should be able to marry. Traditionalists say: marriage is for children, and homosexuals do not (or should not) have children, therefore you should not be able to marry. That, unfortunately, pretty well covers the spectrum. I say “unfortunately” because both views are wrong. They misunderstand and impoverish the social meaning of marriage.

So what is marriage for? Modern marriage is, of

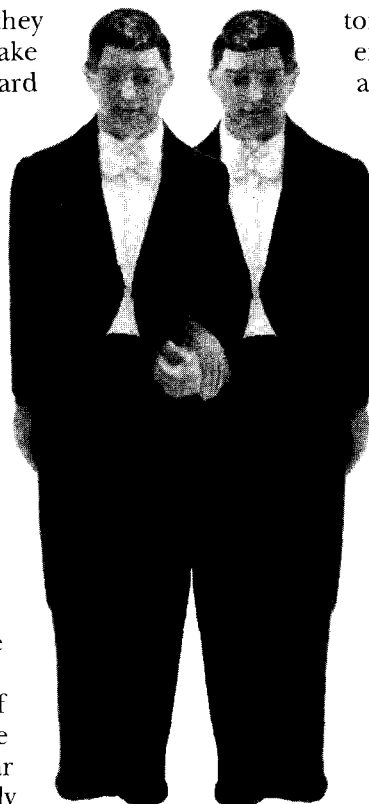
course, based upon traditions that religion helped to codify and enforce. But religious doctrine has no special standing in the world of secular law and policy (the "Christian nation" crowd notwithstanding). If we want to know what and whom marriage is for in modern America, we need a sensible secular doctrine.

At one point, marriage in secular society was largely a matter of business: cementing family ties, providing social status for men and economic support for women, conferring dowries, and so on. Marriages were typically arranged, and "love" in the modern sense was no prerequisite. In Japan, remnants of this system remain, and it works surprisingly well. Couples stay together because they view their marriage as a partnership: an investment in social stability for themselves and their children. Because Japanese couples don't expect as much emotional fulfillment as we do, they are less inclined to break up. They also take a somewhat more relaxed attitude toward adultery. What's a little extracurricular love provided that each partner is fulfilling his or her many other marital duties?

In the West, of course, love is a defining element. The notion of life-long love is charming, if ambitious, and certainly love is a desirable element of marriage. In society's eyes, however, it cannot be the defining element. You may or may not love your husband, but the two of you are just as married either way. You may love your mistress, but that certainly doesn't make her your spouse. Love helps make sense of marriage emotionally, but it is not terribly important in making sense of marriage from the point of view of social policy.

If love does not define the purpose of secular marriage, what does? Neither the law nor secular thinking provides a clear answer. Today marriage is almost entirely a voluntary arrangement whose contents are up to the people making the deal. There are few if any behaviors that automatically end a marriage. If a man beats his wife, which is about the worst thing he can do to her, he may be convicted of assault, but his marriage is not automatically dissolved. Couples can be adulterous ("open") yet remain married. They can be celibate, too; consummation is not required. All in all, it is an impressive and also rather astonishing victory for modern individualism that so important an institution should be so bereft of formal social instruction as to what should go on inside of it.

Secular society tells us only a few things about marriage. First, marriage depends on the consent of the parties. Second, the parties are not children. Third, the number of parties is two. Fourth, one is a man and the other a woman. Within those rules a marriage is whatever anyone says it is.



Perhaps it is enough simply to say that marriage is as it is and should not be tampered with. This sounds like a crudely reactionary position. In fact, however, of all the arguments against reforming marriage, it is probably the most powerful.

Call it a Hayekian argument, after the great libertarian economist F.A. Hayek, who developed this line of thinking in his book *The Fatal Conceit*. In a market system, the prices generated by impersonal forces may not make sense from any one person's point of view, but they encode far more information than even the cleverest person could ever gather. In a similar fashion, human societies evolve rich and complicated webs of nonlegal rules in the form of customs, traditions and institutions. Like prices, they may seem irrational or arbitrary. But the very fact that they are the customs that have evolved implies that they embody a practical logic that may not be apparent to even a sophisticated analyst. And

the web of custom cannot be torn apart and reordered at will because once its internal logic is violated it falls apart. Intellectuals, such as Marxists or feminists, who seek to deconstruct and rationally rebuild social traditions, will produce not better order but chaos.

So the Hayekian view argues strongly against gay marriage. It says that the current rules may not be best and may even be unfair. But they are all we have, and, once you say that marriage need not be male-female, soon marriage will stop being anything at all. You can't mess with the formula without causing unforeseen consequences, possibly including the implosion of the institution of marriage itself.

However, there are problems with the Hayekian position. It is untenable in its extreme form and unhelpful in its milder version. In its extreme form, it implies that no social reforms should ever be undertaken. Indeed, no laws should be passed,

because they interfere with the natural evolution of social mores. How could Hayekians abolish slavery? They would probably note that slavery violates fundamental moral principles. But in so doing they would establish a moral platform from which to judge social rules, and thus acknowledge that abstracting social debate from moral concerns is not possible.

If the ban on gay marriage were only mildly unfair, and if the costs of changing it were certain to be enormous, then the ban could stand on Hayekian grounds. But, if there is any social policy today that has a fair claim to be scaldingly inhumane, it is the ban on gay marriage. As conservatives tirelessly and rightly point out, marriage is society's most fundamental institution. To bar any class of people from marrying as they choose is an extraordinary deprivation. When not so

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Secrets of the Temple

At first glance, the recent decision by a council of Reform rabbis to endorse gay and lesbian civil marriage seemed an odd deflection of responsibility: If the government should do it, why not the rabbis themselves? In fact, this is exactly where the debate is heading. And the closer it gets, the more divisive it becomes.

In Berkeley, California, a small, Conservative-movement synagogue has a solution. Netivot Shalom's Rabbi Stuart Kelman is seeking to redraw the boundaries Jewish practice places around sex while still adhering to Jewish law. In a rabbinical *responsa*, or *teshuvah*, Rabbi Kelman proposed an alternate sphere of recognition for gay and lesbian couples. Called a "covenant of love," the soon-to-be-written ceremony would be performed for gay couples wishing to sanctify lifelong, monogamous relationships. The new sphere would be distinct from Jewish marriage, which is based on a transaction of property rather than a mutual promise (brides do not voice their assent in the traditional ritual, and goods are exchanged as part of the contract). But it would offer parallel honors, including the customary week-before joint calling to the Torah complete with a flower-and-candy pelting from well-wishers.

The balance between traditional observance and liberal values addressed by Kelman's *teshuvah* is particularly tricky for the Conservative movement. Orthodox practice allows only slow and painstaking change to biblical and rabbinic law. Reform Jews do not necessarily see the law as binding (though by no means are all ready to honor gay and lesbian relationships). But Conservative Jews try to balance Jewish law and tradition with rabbinical innovation—a perennial juggling act.

The problem begins with Leviticus. "Do not lie with a male as one lies with a woman; it is an abhorrence," the Bible states, and traditional religious denominations have interpreted the passage as a resounding rejection of gay and lesbian relationships. Like the Reform rabbis, a subcommittee of the 1,400-member Rabbinical Assembly of the Conservative Movement is studying gay and lesbian commitment ceremonies. But, for now, the assembly continues to proscribe same-sex unions and does not sanction the ordination of openly gay and lesbian rabbis. The Presbyterian, Episcopalian, Methodist

and Lutheran Churches hold similar positions.

Rabbi Kelman's argument for the "covenant of love" is rooted in rabbinical precedent for adapting Jewish law in response to ethical dilemmas, social currents, changing times and technological advancements. And he adopts an alternate reading of Leviticus, questioning the meaning of the Hebrew word *toevah*, traditionally translated as "abhorrence" or "abomination." Kelman argues that, rather than forbidding gay relationships, Leviticus may simply be setting them apart, thus leaving room for a distinct covenant ceremony. "In Judaism," he argues, "boundaries are permeable, not concrete. No less an authority than Rabbi Moshe Isserles [a sixteenth-century Polish scholar known as the *Ramah*] once broke the law against performing marriages on the Sabbath because he believed the standing of the bride in the community was at stake. What that says to me is that, in this case, the principle of human dignity superseded even the strictest of commandments."

But some biblical experts say that Kelman's reading of Leviticus, while well-meaning, does not hold up. "*Toe- vah* is a general condemnation," says Jacob Milgrom, an emeritus biblical studies professor at the University of California at Berkeley who has written extensively on the passage. "You can't hide behind the fact that the verses are a prohibition against male intercourse for Jews. That is the plain meaning of the text."

A small group of Netivot Shalom members agree. They argue that the synagogue does not honor members who commit adultery or have premarital sex and that Rabbi Kelman's *teshuvah* far oversteps the procedure for altering traditional practice. Respect for Jewish law, not the demands of a few *teshuvah* members, should determine the synagogue's policy, they believe. "Today's social or political issue is tomorrow's trash," says Seymour Kessler, who considered leaving the synagogue over the issue. "*Halakha* [Jewish law] should not be changed unless there is a long-proven need and a carefully regulated, thoughtful procedure for doing so. Is this decision a threat to tradition and to the authority of the Conservative movement? Of course it is."

Still, the Rabbinical Assembly of the Conservative Movement has posed no objection to Kelman's *teshuvah*, unlike some church bodies that have expelled or disciplined congregations for wel-

coming gay and lesbian members or clergy. Rabbi Joel Meyers, executive vice president of the assembly, does not think the Conservative rabbinate will advocate gay and lesbian commitment ceremonies anytime soon. But he says the movement has room for rabbis like Kelman.

Gay and lesbian members of Netivot Shalom are pleased with Rabbi Kelman's *teshuvah*. Substituting a covenant-based ritual for marriage does not trouble those who believe the traditional liturgy needs to change in any case. "I don't see this as a gay ceremony. I see it as an alternative ceremony that a straight couple might also choose to use," says Deborah, a lesbian congregant who didn't want her full name revealed.

Most important to her, Deborah says, is knowing that her family will stand on equal footing in the congregation. "I was especially concerned about how a *brit milah* [naming ceremony] for our baby might be handled," she says. "I didn't want to be at a synagogue if my family could not feel fully included. Now I feel like we belong here."

Whether or not Kelman's *teshuvah* will gain acceptance in either the Reform or the Conservative movements is an open question. A scattering of rabbis now use the traditional Jewish wedding ceremony to unite gay couples, and some gays and lesbians have formed their own separate congregations.

But at Netivot Shalom most members see Rabbi Kelman's compromise as preferable to either segregated congregations, identical marriage ceremonies or stasis. Jewish tradition holds that rabbis should only make changes their congregants are prepared to follow, and, despite the grumbling of some, many at Netivot seem proud that their synagogue is proving the Jewish tradition's ability to adapt. "I know this is a divisive issue because staying within tradition has historically been the best way to keep the Jewish community together," says Rena Dorph, a Berkeley doctoral student who observes traditional Jewish law. "But the most important thing about these couples is that they are two Jews committed to being part of the Jewish community. We've got to find a way to make room for them."

EMILY BAZELON

EMILY BAZELON is a reporter for the Alameda Newspaper Group in Northern California.

long ago it was illegal in parts of America for blacks to marry whites, no one could claim that this was a trivial disenfranchisement. Granted, gay marriage raises issues that interracial marriage does not; but no one can argue that the deprivation is a minor one.

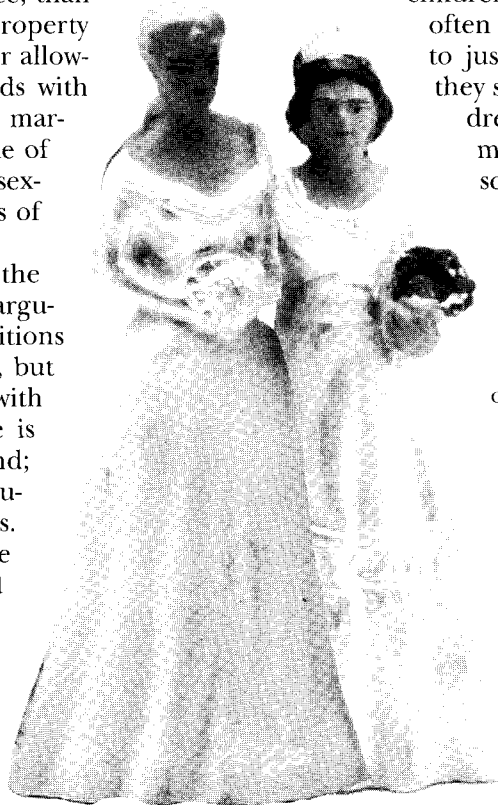
To outweigh such a serious claim it is not enough to say that gay marriage might lead to bad things. Bad things happened as a result of legalizing contraception, but that did not make it the wrong thing to do. Besides, it seems doubtful that extending marriage to, say, another 3 or 5 percent of the population would have anything like the effects that no-fault divorce has had, to say nothing of contraception. By now, the "traditional" understanding of marriage has been sullied in all kinds of ways. It is hard to think of a bigger affront to tradition, for instance, than allowing married women to own property independently of their husbands or allowing them to charge their husbands with rape. Surely it is unfair to say that marriage may be reformed for the sake of anyone and everyone except homosexuals, who must respect the dictates of tradition.

Faced with these problems, the milder version of the Hayekian argument says not that social traditions shouldn't be tampered with at all, but that they shouldn't be tampered with lightly. Fine. In this case, no one is talking about casual messing around; both sides have marshaled their arguments with deadly seriousness. Hayekians surely have to recognize that appeals to blind tradition and to the risks inherent in social change do not, *a priori*, settle anything in this instance. They merely warn against frivolous change.

So we turn to what has become the standard view of marriage's purpose. Its proponents would probably like to call it a child-centered view, but it is actually an anti-gay view, as will become clear. Whatever you call it, it is the view of marriage that is heard most often, and in the context of the debate over gay marriage it is heard almost exclusively. In its most straightforward form it goes as follows (I quote from James Q. Wilson's fine book *The Moral Sense*):

A family is not an association of independent people; it is a human commitment designed to make possible the rearing of moral and healthy children. Governments care—or ought to care—about families for this reason, and scarcely for any other.

Wilson speaks about "family" rather than "marriage" as such, but one may, I think, read him as speaking of marriage without doing any injustice to his meaning.



The resulting proposition—government ought to care about marriage almost entirely because of children—seems reasonable. But there are problems. The first, obviously, is that gay couples may have children, whether through adoption, prior marriage or (for lesbians) artificial insemination. Leaving aside the thorny issue of gay adoption, the point is that if the mere presence of children is the test, then homosexual relationships can certainly pass it.

You might note, correctly, that heterosexual marriages are more likely to produce children than homosexual ones. When granting marriage licenses to heterosexuals, however, we do not ask how likely the couple is to have children. We assume that they are entitled to get married whether or not they end up with children. Understanding this, conservatives often make an interesting move. In seeking to justify the state's interest in marriage, they shift from the actual presence of children to the anatomical possibility of making them. Hadley Arkes, a political science professor and prominent opponent of homosexual marriage, makes the case this way:

The traditional understanding of marriage is grounded in the "natural teleology of the body"—in the inescapable fact that only a man and a woman, and only two people, not three, can generate a child. Once marriage is detached from that natural teleology of the body, what ground of principle would thereafter confine marriage to two people rather than some larger grouping? That is, on what ground of principle would the law reject the claim of a gay couple that their love is not confined to a coupling of two, but that they are woven into a larger ensemble with yet another person or two?

What he seems to be saying is that, where the possibility of natural children is nil, the meaning of marriage is nil. If marriage is

allowed between members of the same sex, then the concept of marriage has been emptied of content except to ask whether the parties love each other. Then anything goes, including polygamy. This reasoning presumably is what those opposed to gay marriage have in mind when they claim that, once gay marriage is legal, marriage to pets will follow close behind.

But Arkes and his sympathizers make two mistakes. To see them, break down the claim into two components: (1) Two-person marriage derives its special status from the anatomical possibility that the partners can create natural children; and (2) Apart from (1), two-person marriage has no purpose sufficiently strong to justify its special status. That is, absent justification (1), anything goes.

The first proposition is wholly at odds with the way society actually views marriage. Leave aside the insis-

tence that natural, as opposed to adopted, children define the importance of marriage. The deeper problem, apparent right away, is the issue of sterile heterosexual couples. Here the "anatomical possibility" crowd has a problem, for a homosexual union is, anatomically speaking, nothing but one variety of sterile union and no different even in principle: a woman without a uterus has no more potential for giving birth than a man without a vagina.

It may sound like carping to stress the case of barren heterosexual marriage: the vast majority of newlywed heterosexual couples, after all, can have children and probably will. But the point here is fundamental. There are far more sterile heterosexual unions in America than homosexual ones. The "anatomical possibility" crowd cannot have it both ways. If the possibility of children is what gives meaning to marriage, then a post-menopausal woman who applies for a marriage license should be turned away at the courthouse door. What's more, she should be hooted at and condemned for stretching the meaning of marriage beyond its natural basis and so reducing the institution to frivolity. People at the Family Research Council or Concerned Women for America should point at her and say, "If she can marry, why not polygamy?"

Obviously, the "anatomical" conservatives do not say this, because they are sane. They instead flail around, saying that sterile men and women were at least born with the right-shaped parts for making children, and so on. Their position is really a nonposition. It says that the "natural children" rationale defines marriage when homosexuals are involved but not when heterosexuals are involved. When the parties to union are sterile heterosexuals, the justification for marriage must be something else. But what?

Now arises the oddest part of the "anatomical" argument. Look at proposition (2) above. It says that, absent the anatomical justification for marriage, anything goes. In other words, it dismisses the idea that there might be other good reasons for society to sanctify marriage above other kinds of relationships. Why would anybody make this move? I'll hazard a guess: to exclude homosexuals. Any rationale that justifies sterile heterosexual marriages can also apply to homosexual ones. For instance, marriage makes women more financially secure. Very nice, say the conservatives. But that rationale could be applied to lesbians, so it's definitely out.

The end result of this stratagem is perverse to the point of being funny. The attempt to ground marriage in children (or the anatomical possibility thereof) falls flat. But, having lost that reason for marriage, the anti-gay people can offer no other. In their fixation on excluding homosexuals, they leave themselves no consistent justification for the privileged status of *heterosexual* marriage. They thus tear away any coherent foundation that secular marriage might have, which is precisely the opposite of what they claim they want to do. If they have to undercut marriage to save it from homosexuals, so be it!

For the record, I would be the last to deny that children are one central reason for the privileged status of marriage. When men and women get together, children are a likely outcome; and, as we are learning in ever more unpleasant ways, when children grow up without two parents, trouble ensues. Children are not a trivial reason for marriage; they just cannot be the only reason.

What are the others? It seems to me that the two strongest candidates are these: domesticating men and providing reliable caregivers. Both purposes are critical to the functioning of a humane and stable society, and both are much better served by marriage—that is, by one-to-one lifelong commitment—than by any other institution.

Civilizing young males is one of any society's biggest problems. Wherever unattached males gather in packs, you see no end of trouble: wildings in Central Park, gangs in Los Angeles, soccer hooligans in Britain, skinheads in Germany, fraternity hazings in universities, grope-lines in the military and, in a different but ultimately no less tragic way, the bathhouses and wanton sex of gay San Francisco or New York in the 1970s.

For taming men, marriage is unmatched. "Of all the institutions through which men may pass—schools, factories, the military—marriage has the largest effect," Wilson writes in *The Moral Sense*. (A token of the casualness of current thinking about marriage is that the man who wrote those words could, later in the very same book, say that government should care about fostering families for "scarcely any other" reason than children.) If marriage—that is, the binding of men into couples—did nothing else, its power to settle men, to keep them at home and out of trouble, would be ample justification for its special status.

Of course, women and older men don't generally travel in marauding or orgiastic packs. But in their case the second rationale comes into play. A second enormous problem for society is what to do when someone is beset by some sort of burdensome contingency. It could be cancer, a broken back, unemployment or depression; it could be exhaustion from work or stress under pressure. If marriage has any meaning at all, it is that, when you collapse from a stroke, there will be at least one other person whose "job" is to drop everything and come to your aid; or that when you come home after being fired by the postal service there will be someone to persuade you not to kill the supervisor.

Obviously, both rationales—the need to settle males and the need to have people looked after—apply to sterile people as well as fertile ones, and apply to childless couples as well as to ones with children. The first explains why everybody feels relieved when the town delinquent gets married, and the second explains why everybody feels happy when an aging widow takes a second husband. From a social point of view, it seems to me, both rationales are far more compelling as justifications of marriage's special status than, say, love. And both of them apply to homosexuals as well as to heterosexuals.

Take the matter of settling men. It is probably true that women and children, more than just the fact of marriage, help civilize men. But that hardly means that the settling effect of marriage on homosexual men is negligible. To the contrary, being tied to a committed relationship plainly helps stabilize gay men. Even without marriage, coupled gay men have steady sex partners and relationships that they value and therefore tend to be less wanton. Add marriage, and you bring a further array of stabilizing influences. One of the main benefits of publicly recognized marriage is that it binds couples together not only in their own eyes but also in the eyes of society at large. Around the partners is woven a web of expectations that they will spend nights together, go to parties together, take out mortgages together, buy furniture at Ikea together, and so on—all of which helps tie them together and keep them off the streets and at home. Surely that is a very good thing, especially as compared to the closet-gay culture of furtive sex with innumerable partners in parks and bathhouses.

The other benefit of marriage—caretaking—clearly applies to homosexuals. One of the first things many people worry about when coming to terms with their homosexuality is: Who will take care of me when I'm ailing or old? Society needs to care about this, too, as the AIDS crisis has made horribly clear. If that crisis has shown anything, it is that homosexuals can and will take care of each other, sometimes with breathtaking devotion—and that no institution can begin to match the care of a devoted partner. Legally speaking, marriage creates kin. Surely society's interest in kin-creation is strongest of all for people who are unlikely to be supported by children in old age and who may well be rejected by their own parents in youth.

Gay marriage, then, is far from being a mere exercise in political point-making or rights-mongering. On the contrary, it serves two of the three social purposes that make marriage so indispensable and irreplaceable for heterosexuals. Two out of three may not be the whole ball of wax, but it is more than enough to give society a compelling interest in marrying off homosexuals.

There is no substitute. Marriage is the *only* institution that adequately serves these purposes. The power of marriage is not just legal but social. It seals its promise with the smiles and tears of family, friends and neighbors. It shrewdly exploits ceremony (big, public weddings) and money (expensive gifts, dowries) to deter casual commitment and to make bailing out embarrassing. Stag parties and bridal showers signal that what is beginning is not just a legal arrangement but a whole new stage of

life. "Domestic partner" laws do none of these things.

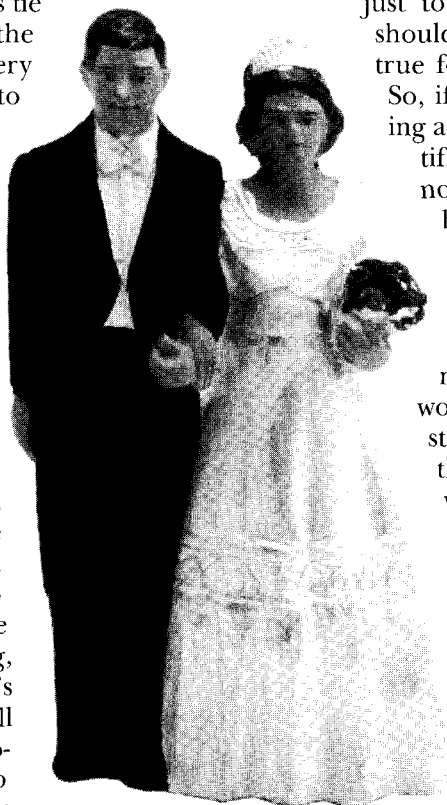
I'll go further: far from being a substitute for the real thing, marriage-lite may undermine it. Marriage is a deal between a couple and society, not just between two people: society recognizes the sanctity and autonomy of the pair-bond, and in exchange each spouse commits to being the other's nurse, social worker and policeman of first resort. Each marriage is its own little society within society. Any step that weakens the deal by granting the legal benefits of marriage without also requiring the public commitment is begging for trouble.

So gay marriage makes sense for several of the same reasons that straight marriage makes sense. That would seem a natural place to stop. But the logic of the argument compels one to go a twist further. If it is good for society to have people attached, then it is not enough

just to make marriage available. Marriage should also be *expected*. This, too, is just as true for homosexuals as for heterosexuals.

So, if homosexuals are justified in expecting access to marriage, society is equally justified in expecting them to use it. I'm not saying that out-of-wedlock sex should be scandalous or that people should be coerced into marrying. The mechanisms of expectation are more subtle. When grandma cluck-clucks over a still-unmarried young man, or when mom says she wishes her little girl would settle down, she is expressing a strong and well-justified preference: one that is quietly echoed in a thousand ways throughout society and that produces subtle but important pressure to form and sustain unions. This is a good and necessary thing, and it will be as necessary for homosexuals as heterosexuals. If gay marriage is recognized, single gay people over a certain age should not be surprised when they are disapproved of or pitied. That is a vital part of what makes marriage work. It's stigma as social policy.

If marriage is to work it cannot be merely a "lifestyle option." It must be privileged. That is, it must be understood to be better, on average, than other ways of living. Not mandatory, not good where everything else is bad, but better: a general norm, rather than a personal taste. The biggest worry about gay marriage, I think, is that homosexuals might get it but then mostly not use it. Gay neglect of marriage wouldn't greatly erode the bonding power of heterosexual marriage (remember, homosexuals are only a tiny fraction of the population)—but it would certainly not help. And heterosexual society would rightly feel betrayed if, after legalization, homosexuals treated marriage as a minority taste rather than as a core institution of life. It is not enough, I think, for gay people to say we want the right to marry. If we do not use it, shame on us. •



BOOKS & The Arts

Stanley Kauffmann on Films

Stalking and Talking

Andy Warhol's name continues to glow for two reasons: one phrase (the fifteen-minute bit) and many artworks. What's virtually forgotten is that, during the heated days of the Underground Film in the '60s, he was one of its leaders. But then the term "Underground Film" is almost forgotten, too.

The closest term nowadays is "independent film," which conveys nothing of the earlier tag's implications. Today's independent films are sometimes daring in method and manner, but often they are quite conventional pictures that happen to have been made on low budgets. Underground Film, as Sheldon Renan says in his book about it, was "nothing less than an *explosion* of cinematic styles, forms, and directions." It was very much a product of the '60s, thus generally out of key today. *Autres temps, autres movies*.

No one attracted more attention as an Underground filmmaker than Warhol. So it's both apt and ironic that, thirty years later, a film about that period has him as a prime figure: apt because it draws attention to that now-observed part of his life, ironic because his importance in this picture is not through his work but through an attempt on his life and because this is not an Underground Film. It's imaginative and fine, but it doesn't "explode" much cinematically: that isn't its aim.

I Shot Andy Warhol (Orion) was written and directed by Mary Harron, who took a degree at Oxford in English language and literature, then plunged into punk-rock journalism. After writing about several groups and also about Warhol, she moved into British TV, where she did

more on Warhol along with other topics. She fastened on the idea for this film when she read *The SCUM Manifesto* by Valerie Solanas, Warhol's assailant, and thought it much more than frenzy. (SCUM means Society for Cutting Up Men. The picture's title was Solanas's first statement to the police.) After years of struggle, Harron got her work to the screen. It's dazzling and serious, with flurries of impulse playing around a persistent core of madness.

The center is Solanas, who did a university degree in psychology and some time later, in 1966, entered the underground world in New York. She lived as she could, sometimes homeless, writing, peddling her writing on the streets as well as herself (the writing was much more important to her than the prostitution), homosexual when it suited her, grunting along with a chief concern for her manic message—a hothouse version of feminism—but also with ambitions as playwright and novelist.

She crashed a party in the mecca of the Underground, the Warhol Factory; met the silver-haired, soft-spoken guru; acted in one of his films; handed him a play of hers. (She also met Maurice Girodias, the scabrous French publisher then in New York, who gave her a book contract that she later thought was a cheat.)

Solanas became convinced that Warhol had stolen her play. This stoked the fury in her bright but unbalanced mind, and on June 3, 1968, she went to Warhol's office, shot him, then surrendered to the police. Warhol survived, though he never fully recovered, and died of something else nineteen years later. Solanas was sentenced to three years in a hospital for the criminally insane and died in a welfare hotel in San Francisco the year after Warhol's death.

Harron comprehends and dramatizes the milieu through which Solanas moved and also understands that this eccentric woman had glints of real perception. Harron keeps her splattery material under control without forfeiting its wildness. Intensely veristic scenes vary with imaginative arabesques—black-and-white shots of Solanas in a spotlight reading bits of her manifesto at us, plaques of color to heighten mood—and Harron keeps it all moving forward with intelligent impatience.

I assume that she is thanking Providence daily for Lili Taylor's performance of Solanas. Taylor has been recurrently visible in recent years (*The Addiction* was her latest), always pungent no matter how small the role. Here she is so selflessly authentic that we almost feel the film ought to be wider and longer so that she could put more of Solanas before us. Like a smart but demented terrier, she never lets go.

Warhol is persuasively done by Jared Harris, gentle and gently weird. The members of the Factory clan are deployed like drug-drenched courtiers of a softly capricious monarch. Particularly impressive are Stephen Dorff as the hush-voice transvestite Candy Darling and Michael Imperioli as the

FILMS WORTH SEEING

Fargo. A comedy-drama of kidnapping and murder in snowy Minnesota. The two genres don't mix, but the comedy is comic—which, for the Coen brothers, is saying a lot. (Reviewed 3/25/96) **Jack and Sarah.** A young widowed London lawyer has to cope with his life, work and infant daughter. The acting gives the fluff sufficient body—Richard E. Grant, Judi Dench, Eileen Atkins and Ian McKellen do something more than help. (4/22/96) **Land and Freedom.** This time Ken Loach treats the Spanish Civil War. The political view is unclear, but the recreation is terrific. (4/1/96) **The Star Maker.** Sicily and Sicilians and cinema, by Giuseppe Tornatore, who showed in *Cinema Paradiso* that he loves all three. The story doesn't come to much, but the look and sound of it are enrapturing. (4/15/96)—SK

archdruggier Ondine. (Another occasional member of the court, the singer Nico, was also the subject of a recent film—not up to Harron's level.)

The crux of the picture for me is that the shooting has the same double effect as when it actually happened. It seemed contradictory: first, attempted murder seemed the natural consequence of life in that sensation-avid world; second, its harshness seemed to fracture that world, to break through the silver-papered walls of the Factory and let in blatant sunlight.

Bernard Shaw and the great English actress Ellen Terry had a thirty-year "affair" through letters; they didn't even meet until they had been corresponding for years. And not a great deal subsequently, either. After Terry's death, when their correspondence was published, Shaw said in his preface: "Let those who may complain that it was all on paper remember that only on paper has humanity yet achieved glory, beauty, truth, knowledge, virtue, and abiding love."

I thought of that line while watching **Denise Calls Up** (Sony Pictures Classics), in which seven young New Yorkers and the aunt of one of them carry on their lives with one another by phone—usual phones, cellular phones, speaker phones, call-waiting phones—with very few meetings between any of them on screen. The era of the letter never seemed more remote, the word "paper" more quaint. Not many of Shaw's points are achieved in the picture; still, introductions, social arrangements, intimacies (including phone sex) are all done in the realm of the phone and the answering machine.

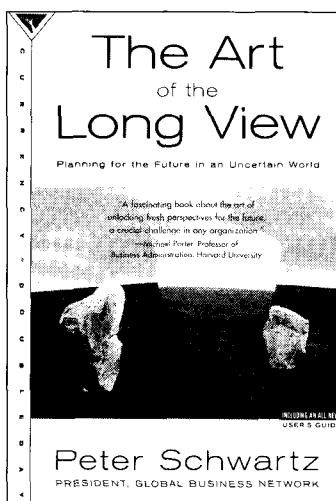
Even pregnancy and birth are, in a sense, done by phone. One of the young men has contributed to a sperm bank; one of the young women, Denise, manages to find out the name of the donor whose sperm has impregnated her, calls to tell him of his paternity, and their friendship ripens. (We also get a cellular phone report from the obstetrician during labor.)

The above sounds like the idea for a clever short, but Hal Salwen, who wrote and directed, has sufficiently varied his characters, their needs and dependencies telephone-wise, to sustain a feature. After a while, besides enjoying the stories as such, we begin to enjoy the film's trickiness, almost all on the phone, as a sort of high-wire act.

Salwen has cast his film unexceptionably. Michael Meyers's camera gives the picture spanking up-to-date colors. Gary Sharfin's adroit editing keeps it skittering along. The whole bunch of them make the call-waiting phone seem so important that we wonder how civilization survived without it. Or will survive with it. •

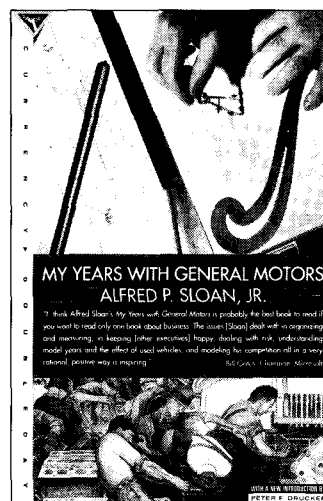
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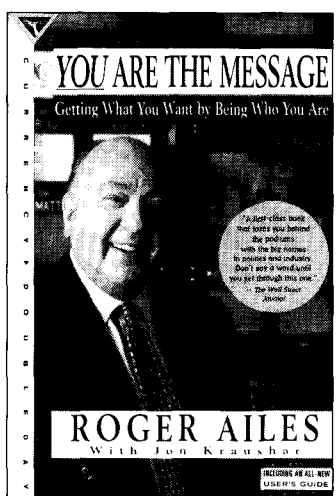
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Law's Reason

By RICHARD A. POSNER

Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy by Jürgen Habermas translated by William Rehg

(MIT Press, 636 pp., \$40)

Jürgen Habermas, who is professor emeritus of philosophy at Frankfurt University and is widely regarded as Germany's leading philosopher and social thinker, was a month short of his sixteenth birthday when Hitler's Reich collapsed. Shocked to learn of the Nazi atrocities, and free from any complicity in them, Habermas proceeded through the West German university system appalled by its unapologetic continuity with the past. Its philosophy departments, staffed mainly by professors who had served uncomplainingly during the Nazi period, looked up to Heidegger—whom Habermas has sarcastically described as the "felicitously de-Nazified Heidegger"—as the lodestar of German philosophy.

From these early experiences Habermas acquired a lifelong un-German distaste for the idea of German nationhood, for the German philosophical tradition insofar as it nourishes nationalism and political extremism of the right or the left (Habermas is a social democrat but not a socialist or a "Green"), and for totalizing theories of a religious or other metaphysical cast. He refuses to refer to the uniting of the two Germanies as the reunification of Germany, since that would imply a preexisting unity unfortunately sundered. He prefers to describe what happened in 1989 as the liberation of a people, the East Germans, who since 1933 had been denied civil liberties and the other legacies of the Enlightenment. He derides "the longing of many intellectuals for a lost German identity" as "kitsch," and says that "philosophers are not teachers of the nation. They can sometimes—if only rarely—be useful people."

For inspiration Habermas reaches back to Kant, who preceded the concept of a German nation and constructed his moral and political philosophy on universalistic foundations. But Habermas does not believe that Kant can simply be dusted off and put back into service. Kant and the other thinkers of the

Enlightenment grounded their philosophy in metaphysical ideas that are unavailable in our predominantly secular, morally heterogeneous, socially complex, relativist and historicist era, in which "normative certainties must be maintained without metasocial guarantees." In place of the idea that each of us can use our God-given reason to construct an avenue of access to ultimate scientific and moral truths, Habermas has borrowed from the American pragmatist philosopher Charles Sanders Peirce and greatly elaborated the idea that truth, whether of a scientific, moral or political character, is most usefully regarded as what a community of rational, disinterested, undominated inquirers would arrive at if given all the time in the world. Communities of inquirers do not have all the time in the world, so the agreements they do arrive at are incomplete (non-unanimous), tentative and revisable: "the decision reached by the majority only represents a caesura in an ongoing discussion." But they are the best that we can hope for; and they are good enough.

Habermas calls this the theory of "communicative action" or "discourse theory," which "grounds the fallibilist assumption that results issuing from proper procedure are more or less reasonable." Being procedural rather than substantive, the theory supports his project of rejecting totalizing visions. Its aim is securing the preconditions for rational inquiry rather than anticipating the end of that inquiry. It is therefore interested in equality of incomes, say, not as a goal that might be derived from utilitarianism or Marxism or some other comprehensive moral or political theory, but only insofar as some measure of equality may be necessary to prevent the rationality of political debate from being distorted by money or may be adopted as the outcome of a political process founded on rational discourse. This approach bears the stamp of John Dewey, like Peirce an advocate of "epistemic" or

"deliberative" democracy—the idea that truth, or, more precisely, warranted assertibility, can be modeled as the outcome of a "vote" of a community of free, equal and rational inquirers. The process must be protected, but it would be presumptuous under modern pluralist conditions to prescribe the outcome.

Discourse theory, as the subtitle of Habermas's book suggests, is the master concept of this ambitious work of jurisprudence. But almost as important is the German jurisprudential tradition, or rather its limitations. That tradition is organized around the concepts of *Rechtsstaat* and *Sozialstaat* (Justice State and Social State). The first is the idea that government must operate exclusively through laws that in their administration by judges and other officials, as well as in their formulation by legislatures, abstract from the unique situations of particular persons or classes. Laws that enforce property rights regardless of consequence and without consideration of competing goals or interests are illustrative, for they are laws out of which every element of equitable discretion has been wrung. (And so plea bargaining is improper, which is still the official position in Germany, as in Europe generally.) Such a rigid conception of the rule of law eventually proved politically unrealistic and was modified in the direction of the *Sozialstaat*, which seeks to make "material," that is, operational, the merely "formal" rights created by the *Rechtsstaat*, and thus to narrow the gap between legal and social justice. It does this by creating flexibly administered entitlements—bureaucratically rather than judicially enforced—to public services, such as education.

Missing from both concepts is any reference to democracy; and this is the gap that Habermas believes discourse theory can fill. Formulated by Kant in eighteenth-century Prussia, an absolute monarchy at a time when England was already a constitutional monarchy, the *Rechtsstaat* is a theory of limited government rather than a theory of popular government, a theory, that is, in which the legitimacy of the law is grounded not in popular consent but solely in "the abstract rule structure of legal statutes, the autonomy of the judiciary, as well as the fact that administration is bound by law and has a 'rational' construction." And the *Sozialstaat*, originating in Bismarck's authoritarian Reich, was paternalistic rather than popular, a device for diffusing social tensions. As Habermas points out, it has bred welfare dependency and other dysfunctions, and it is permanently in tension

with the generalizing, abstract, formal, nondiscretionary character of *Rechtsstaat* norms.

Habermas's main criticism of the German legal tradition is that it failed to grasp the importance of democratic legitimacy. Yet he recognizes that the idea of legitimating law by reference to democracy is paradoxical. He is strongly committed to the core ideas of the *Rechtsstaat* and the *Sozialstaat*—that law is supposed to protect the people from the government and the weak people from the strong people. In a democracy, however, the people are the government, so how can the law protect the people from the government? And democracy means majority rule, which is the rule of the stronger, or at least the more numerous; and majorities sometimes like to coerce minorities.

Habermas's attempt to reconcile democracy with law begins with the proposition that law is, on the one hand, a part of social reality and, on the other hand, a part of the normative (moral) order, but that it is not fully one or the other. Among the reasons law is not simply a subset of moral duties is that it binds only the people who happen to be subject to a given legal system. And it employs coercion and thus secures the compliance even of people for whom law, or a particular law, is not morally obligating. It constrains only behavior, and thus "enforces norm-conformative behavior while leaving motives and attitudes open." Indeed, it "complements morality by relieving the individual of the cognitive burdens of forming her own moral judgments." It even creates a space in which people can opt out of certain moral duties—the duty to engage in communicative action, for example. For Habermas is emphatic that "legally granted liberties entitle one to *drop out* of communicative action" and thus to live the unexamined life or the thoroughly private life. But at the same time he believes that law is not effective unless most people obey it not because they are coerced or bribed to do so, but because they accept the moral authority of the law. Law thus has two sides: "its positivity and its claim to rational acceptance." "Social rights," for example, "signify, from a *functionalist* viewpoint, the installation of welfare bureaucracies, whereas from a *normative* viewpoint they grant compensatory claims to a just share of social wealth."

But how is moral authority imparted to law? Habermas believes that all but one of the possible ways are disreputable (such as the tradition of the German *Volk*) or, since we live in a "post-metaphysical" world, unavailable. Habermas

counts among modern "metaphysicians" of the law both John Rawls and Ronald Dworkin. Neither considers himself to hold a metaphysical conception of justice or law, but both their conceptions have substantive foundations and entailments, and, according to Habermas, "in a pluralistic society, the theory of justice can expect to be accepted by citizens only if it limits itself to a conception that is postmetaphysical in the strict sense, that is, only if it avoids taking sides in the contest of competing forms of life and worldviews." At the other end of the spectrum are the positivists, such as H.L.A. Hart, who give "priority to a narrowly conceived institutional history

purged of any suprapositive validity basis," attributing "hard cases" (cases in which reason or justice clashes with rules validated by having been properly enacted by legally competent institutions) to "an unavoidable vagueness in ordinary language" that gives judges "a discretionary leeway" which they fill out "with extralegal preferences."

The only grounding for a legitimate legal system in the modern world, and the only basis for law that survives Habermas's criticisms, is democracy. He claims to be able to dissolve the tension between democracy and law by approaching democracy from the direction of discourse theory. Unlike

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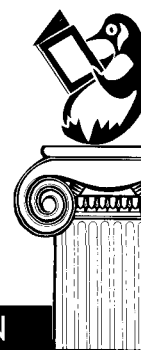
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populist or plebiscitary democracy, epistemic or deliberative democracy, which is the democracy of inquirers, presupposes both the negative liberties associated with the *Rechtsstaat* and the positive liberties associated with the *Sozialstaat*. If people are either intimidated or desperate, they will not be able to participate rationally in political debate. If they are neither, they will be able to participate rationally and the laws will be legitimate because produced by rational discourse. The laws secure the conditions for epistemic democracy, and epistemic democracy in turn secures the legitimacy of the laws. This is the book's central claim.

Habermas realizes that modeling the political process as a system of fully rational, fully disinterested inquiry may appear to be hopelessly unrealistic. Interest groups, the selective and distorting attentions of the media, public ignorance and apathy, and other interrelated social phenomena that neither the *Rechtsstaat* nor the *Sozialstaat* limits—indeed, that the *Rechtsstaat* fosters by creating the preconditions of capitalist development—deflect the political process from the deliberative ideal. Habermas wants to limit these distorting influences. Borrowing a leaf from the American constitutional theorist John Hart Ely, he considers the central (and virtually the only) task of constitutional law to be to secure “equal opportunities for the political use of communicative freedoms.” His criticism of Ely is that Ely takes it for granted that we know what “democracy” is; he has no theory. Habermas's criticism of other American constitutional theories is that they are undemocratic. They cast the Supreme Court in the role of “a pedagogical guardian or regent” of an incompetent “sovereign,” the people. “The addressees of law would not be able to understand themselves as its authors if the legislator [or judge] were to discover human rights as pre-given moral facts that merely need to be enacted as positive law.”

Consistent with these criticisms, Habermas, who is no utopian dreamer, believes that there is too much hand-wringing over the imperfections of political democracy. The fact that political parties are coalitions of disparate interests makes it difficult for a politician to formulate his appeal for votes in terms limited to the narrow interests of the members of his coalition. He is constrained to speak in broader terms of principle, and this forces the voting public, too, to think in terms of principle. It may even nudge the politician into taking a public-spirited position for the sake of consistency: “concealing

publicly indefensible interests behind pretended moral or ethical reasons necessitates self-bindings that ... lead to the inclusion of others' interests.”

And people form their views about political questions not only by listening to politicians and media pundits, but also by reflection on personal and social experiences acquired in the family, at work, in political or cultural movements, and in other voluntary non-political associations. This competition in points of view enables people to form political opinions that are authentically their own. Habermas rejects the view that people are “‘cultural dopes’ who are manipulated by the [television] programs offered to them.” Yet he is not so naïve as to suppose that self-interest can be eliminated from the political process. Quite the contrary, it is because of the “weak motivating force of good reasons” that law has its irreducible “factive” as well as normative component. “Bargaining processes are tailored for situations in which social power relations cannot be neutralized in the way rational discourses presuppose.” Compromises arrived at through bargaining rather than consensus are legitimate so long as the bargaining interests have equal power and therefore “equal chances of prevailing.” This is another basis for redistributive policies viewed not as ends in themselves but as procedural preconditions for legitimate law.

Habermas intimates, without quite saying, that the political process in democratic nations such as the United States and Germany is sufficiently deliberative, in part because of the network of positive and negative liberties that are among the essential conditions of democratic deliberation, to impart the minimum necessary legitimacy to the legal systems of these nations. So while he is concerned about the influence of moneyed interests and other “normatively unfiltered interest positions” on the political process, and would like to see that influence reduced, the tone of Habermas's book is moderate and hopeful.

This will not endear him to radicals. His response to the claim by radical feminists that it is not enough for the law to give women the same rights as men is that the law should make sure that women have the political and economic independence necessary to enable them to participate actively in the political process. He is unwilling to prescribe a particular outcome of that process, and he is mindful of the downside of legal activism. “What is meant to promote the equal status of

women in general often benefits only one category of (already privileged) women at the cost of another category, because gender-specific inequalities are correlated in a complex and obscure manner with membership in other underprivileged groups.”

I have described, summarized and quoted at such length in order to make a little more accessible a book that, in its density, its abstractness, its unfamiliar terminology (such as “lifeworld,” “auto-poiesis,” “thematize” and “materialized law”), its lengthy discussions of obscure German legal and social theorists, and its translation into a clumsy, Teutonic-sounding English, makes inordinate demands on an American reader. It is unfortunate that the book is so difficult. It is a fascinating synthesis of Continental and Anglo-American legal theory, and it is full of interesting insights, acute criticisms and striking passages, such as the observation that the parties to Hobbes's social contract “transfer their unrestricted liberties to a state authority, which gathers up the scattered anarchic potentials for violence and puts them to work for the disciplinary enforcement of legally restricted liberties.”

I have two criticisms and two questions. The first criticism is that the book exaggerates the extent to which legislative enactments or even judicial decisions can be regarded as the outcome of rational discourse. The subject matter of the law is often, perhaps typically, too emotional or too freighted with uncertainty (or both) for the participants in the enacting or decisional process to be able to reach even tentative agreement. Peirce, a scientist as well as a philosopher, modeled his ideal of the deliberating community on the scientific community, in which the criteria of validity are agreed upon and operational, enabling the community to reach the nirvana of “observer independence,” where people having different values and perspectives are brought into an uncoerced agreement.

The political community is not like that. The criteria for decisions are contested and vague. The outcomes of legislative “deliberations” usually reflect compromises between bargaining interests with unequal power or opportunistic coalitions (as when religious fundamentalists and radical feminists agree to support a ban on pornography), or divergent estimates of consequences, as when both liberals and conservatives agree to reduce sentencing discretion, the former in the hope that it will reduce unjust disparities and discriminations, the latter in the hope that it will lead to longer sentences. Unbridgeable gaps in

values and perceptions are visible in many split judicial decisions as well. Habermas thinks it very important to equalize bargaining power between groups, but does not explain how that can be done or even what "equal bargaining power" means.

When stakes are high and information is sparse, people do not simply yield to the weight of argument. Habermas himself warns against "avant-gardism," the "consensually veiled domination of intellectual spokespersons. Powerful in word, they grab for themselves the very power they profess to dissolve in the medium of the word." Elsewhere he distinguishes between "discourse," where agreement is secured through the force of argument, and aesthetic evaluations, which are not expected to convince all doubters even if there is no time limit on deliberation. Political and judicial disagreements—in my view, contrary to Habermas's—are more often of this kind than of the discourse kind, where disagreement would dissolve if only deliberation continued long enough.

It would be odd to insist, for example, that the prohibition of police torture be justified by a weighing of the arguments pro and con. The reasons that are given for the prohibition—that it makes the police lazy, or brutalizes them, or produces false information—are makeweights that do not really "outweigh" the fact that torture is a generally effective method of eliciting information. The revulsion against the practice can be rationalized in highfalutin' terms, by defining a human essence that torture violates, but actually the revulsion is based on history, or emotion, or how we are brought up (to be squeamish), rather than on arguments. This doesn't mean it isn't a reliable basis for action. But academia selects for people who attach unusual weight to arguments. Only academics can be argued into becoming, say, vegetarians.

Torture, like slavery, is an easy case, because at the moment it has no advocates. Many of the issues that are on the legislative and judicial agendas today can be resolved neither by a convergence of values nor by discourse, but only by power, or by the sorts of nonrational persuasions, or emotional demonstrations or manipulations, that produce religious-style conversions and other Gestalt switches, or by giving people information that corrects misconceptions. Only the last of these has a secure footing in discourse theory, though Habermas himself does not exhibit an interest in facts.

My second criticism is that Habermas's lack of concreteness makes it difficult to determine whether discourse theory has any practical significance. Habermas thinks that it is vital, in the interest of discourse, to place "curbs on the power of the media." But he does not explain what those curbs might be, or how they would be consistent with the preservation of freedom of expression—one of the liberties that undergirds the democratic legitimacy of the law—or why curbs are necessary, given the increasing competitiveness and diversity of the media and his own rejection of the view that people are cultural dopes. He favors liberal immigration

policies on the pragmatic ground that multiplying perspectives aids the search for truth and justice. But he does not consider the effect on the likelihood of forging consensus of admitting large numbers of people whose values were shaped in societies that do not believe in the resolution of conflict by deliberative means. People from different "lifeworlds" have difficulty communicating, let alone achieving even temporary consensus.

Not only is Habermas weak on particulars; he never makes clear how much deviation from the tenets of discourse theory a political system can be permitted without losing its legitimacy.

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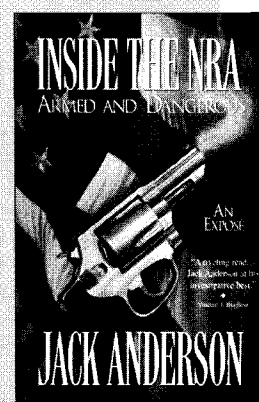


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Which brings me to the first of my two questions. What exactly is the problem to which Habermas's theory of law is the solution? He might answer that it is the problem of law's legitimacy. I am not sure that there is such a problem in the United States or most other wealthy countries. He says that "law must do more than simply meet the functional requirements of a complex society; it must also satisfy the precarious conditions of a social integration that ultimately takes place through the achievements of mutual understanding on the part of communicatively acting subjects." Yet if law meets "the functional requirements of a complex society" by providing a reasonably predictable, adaptable and just framework for peaceful social interactions, where "just" means nothing more pretentious than consistent with durable public opinion, who is going to raise an issue of legitimacy about the framework, that is, about the law itself?

Particular laws, particular judicial decisions and particular enforcement decisions and institutional details will sometimes be challenged as illegitimate. An example would be a decision by a judge who had been bribed, or, more subtly, a judicial decision that rested on arguments that the legal culture ruled out of bounds for judges. Particular groups in society may feel disrespected, even discriminated against, by the people who enforce and administer the law. These retail issues of legitimacy can be serious, but they do not seem to be illuminated by discourse theory. The wholesale issue—the legitimacy of the law—does not arise. A successful practice does not require foundations. That is the abiding lesson of pragmatism.

An entire legal system could be illegitimate even though most people were unaware of the fact. But if the system is legitimate (as Habermas believes) and no one of consequence doubts this, then what precisely is the point of trying to prove it? But before discounting Habermas's book as academic in the pejorative sense, we should recall its cultural context. Habermas's universalism speaks far more to the German situation than to that of most other developed nations, including the United States. Americans do not need to be instructed in the values of diversity, the unavailability of "metaphysical" groundings for political principles, the importance of democracy, or the preconditions for legitimate political institutions. These things are the features of our "lifeworld," the taken-for-granted background of discussion and debate.

The Germany in which Habermas

grew up, by contrast, did not have a secure, untroubled relation to diversity, democracy, reason or law. That Germany seemed dangerously susceptible to totalizing visions, stifling cultural conformity, ethnocentrism, irrationalism, political extremism and, in law, to excessive formalism on the one hand and excessive paternalism on the other. Against all these tendencies, which are much weaker fifty years after the fall of Hitler but have been given a shot in the arm by the unification of the two Germanies, *Between Facts and Norms* is a powerful polemic. We Americans are fortunate in not needing it so badly.

Maybe Kant was wrong. Maybe juris-

prudence is an unavoidably ethnocentric enterprise. If so, my second question need not arise. That question is, how can law be democracy's foundation and democracy be law's foundation? It is a circle without a beginning or a foundation. How much easier it would be just to say that in our system, which is also the system of our peer nations such as Germany, law and democracy exist in a creative, mutually supporting and stable tension.

RICHARD A. POSNER is the author most recently of *Overcoming Law* (Harvard University Press) and *Aging and Old Age* (University of Chicago Press).

The Jew's Last Sigh

BY ROBERT ALTER

Selected Poems of Shmuel HaNagid translated from the Hebrew by Peter Cole

(Princeton University Press, 236 pp., \$14.95)

The life of Shmuel HaNagid, a figure scarcely known outside Hebraist circles, would make an extraordinary story even if he were not one of the great European poets of the medieval period. Born in Cordoba in 993, he fled to Malaga at the age of 20, when his native city fell to the Berbers. Like many economically privileged Jewish males in Andalusia in this era, he had been given a double education: in Bible and Talmud (among many other projects, he would publish a work of authoritative erudition on talmudic law), and in philosophy, the natural sciences and Arabic literature. He appears to have been successfully involved in commerce early on; and within a few years the kingdom of Granada, which controlled Malaga, appointed him tax-collector and then governor or regent (the meaning of the Hebrew term *nagid*) of the Jewish community of Granada.

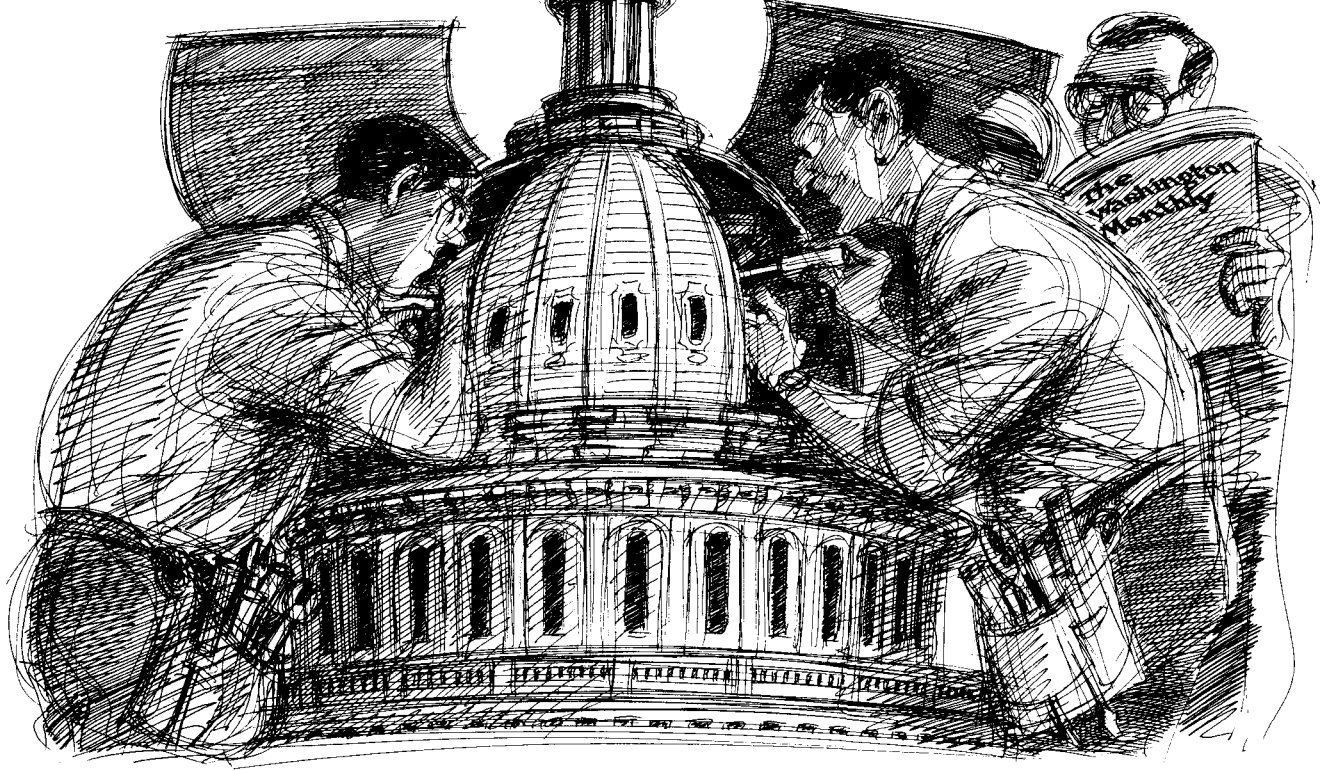
In 1037, apparently because he had the wit to back the right claimant to the throne in a succession struggle, he was elevated to vizier of Granada and commander-in-chief of its army. The majority of the Granadan population, it should be said, was probably Jewish, and the ruling elite, which was Berber, may well have felt it could trust a Jew in this high office more than an indigenous Arab. Beginning in 1038, HaNagid went out on military campaigns at the

head of the Granadan army and recorded his experience in the first battle poems written in Hebrew since biblical times. He continued these expeditions, together with all his other political and cultural activities, until shortly before his death in 1056.

HaNagid came of age just a few decades after a momentous innovation in the cultural life of Andalusian Jewry: the adaptation to Hebrew of the norms and the conventions of Arabic poetry. Formally, this meant composing verse in Hebrew in an intricate system of strict quantitative meters with an elaborate deployment of often hyperbolic imagery (in many ways analogous to the "conceited style" of Renaissance English sonnets). Substantively, since the new Hebrew poets embraced virtually all the Arabic genres, this meant that secular poetry was being written in Hebrew for the first time in well over 1,000 years—erotic verse, drinking poems, philosophical reflections, intimate epistolary verse, poetic riddles, satires, panegyrics, nature poetry and confessional or autobiographical poems.

When Shmuel HaNagid began to write poetry, probably around 1013 or somewhat before that pivotal date in his life, the new literary movement had developed a good deal of momentum in the Andalusian Jewish social elite. In an odd coincidence of destiny and talent, however, this man who would achieve

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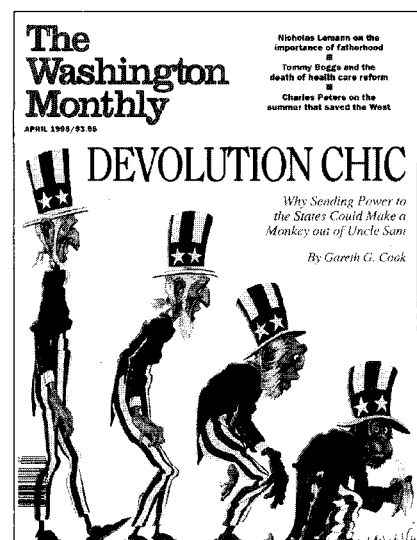
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such a remarkable political career also turned out to be the first true master of medieval Hebrew poetry. He would be followed by three others whose greatness is undisputed: his younger contemporary Shlomo ibn Gabirol and, two generations later, Moshe ibn Ezra and Yehuda HaLevi. The poetic movement he helped to shape would continue to flourish for another seven centuries, spreading to a number of Mediterranean countries, reaching as far as Yemen and showing the greatest vigor in Italy, where it was introduced by the itinerant Avraham ibn Ezra (Browning's Rabbi Ben Ezra) in the twelfth century.

Although readers of Hebrew never entirely forgot the great Spanish-Hebrew poets, this large body of vibrant, sensuously rich verse has really been rediscovered in our century. Treasure-troves of manuscripts have been unearthed (we now possess eight times the number of authentic poems by HaNagid than were known before 1934); scholarly editions of the major poets have been established; scrupulous historical and philological investigations have been undertaken. Especially worthy of mention is the illuminating work of the late Dan Pagis (himself a fine Hebrew poet), which did much to clarify the formal conventions and the distinctive aesthetics of the medieval tradition. Hebrew readers now have the poems available in a new abundance, with greatly enhanced textual reliability, and they also have the critical tools to read the poems in clear focus, with heightened appreciation.

Conveying this poetry in any language but Hebrew is quite another matter. There are four significant aspects of the medieval poems that create nearly insuperable difficulties for the English translator: the elegance of the complex quantitative meters, for which there is scarcely any English equivalent; the concomitant concision of idiomatic usage and the compression of syntax the poets adopted to suit the meters; the predominant use of monorhymes, to which Hebrew and Arabic lend themselves, but which are unfeasible in an English poem that is much longer than a couplet; and the pervasive deployment of biblical locutions, sometimes with the most complex evocation of the original biblical contexts for a readership that would have been familiar with the entire Hebrew Bible almost verbatim. Rendering in English a poem by HaNagid or ibn Gabirol is a little like trying to translate Pope's heroic couplets into a language that has no notion of rhyme or accentual-syllabic meter for an audience totally ignorant of the Greek and Latin poets that Pope invokes or parodies.

This stubborn resistance to translation, in the language and the formal structures of the medieval poems, should be kept in mind in assessing Peter Cole's efforts in this interesting new book. His performance as a translator seems to me extremely uneven, though there are moments of real felicity. It would require astounding virtuosity, which he does not possess, to produce truly satisfying English approximations of these wonderfully poised and eloquent Hebrew poems.

Cole has done his homework on the subject with admirable care. His introduction on medieval Hebrew poetry and HaNagid is intelligent, helpful to the general reader and aptly informed by the best modern scholarship. At the back of the book, he provides nearly eighty closely printed pages of notes on the poems to instruct the English reader about their intricate line-by-line deployment of biblical—and rabbinic—allusions. His selection of poems is judicious and should give English readers a representative sense of HaNagid's handling of all the principal poetic genres of the period. Cole's book also enables one to see how certain personal preoccupations of the poet run across the boundaries of genre and even sometimes reshape genre.

Let me give a central instance. HaNagid is a poet who, in the full tide of a spectacularly active life, is spooked by mortality, haunted by visions of the body mouldering in the grave: "and my tongue which has told of my life / will be in its box / like a stone in the heart of the sea". These broodings on death appear in the sort of poems where you would expect them, such as his aphoristic wisdom poems that he called "After Ecclesiastes," or his stunning cycle on the death of his brother Isaac, or the memorable *ubi sunt* poem grounded in his military experience, which begins with the following lines:

I quartered the troops for the night
in a fortress
which soldiers destroyed long ago,
and they fell asleep at its walls and
foundations
while beneath us its masters slept on.
And I wondered: what had become
of the people who dwelled here
before us?
Where were the builders and soldiers,
the wealthy
and poor, the slaves and their lords?

But mortality also proves to be a kind of counterpoint to the generically dictated exuberance in many of HaNagid's drinking poems. Thus, one of them begins with the somber words, "Your years are sleep, / their fortune's wheel a dream" and then

boisterously invokes the immemorial practice of wine-drinking—"Bring me wine from a cup / held by a girl, / who excels on the lute; / a mature vintage, made by Adam, / or new, from Noah's fields."—and then concludes with an injunction for all good drinkers to "keep the laws of Kohelet, / fearing death, / and the fury to come." ("Kohelet" is the Hebrew name for "Ecclesiastes.") These words are virtually a HaNagid signature: no other poet of the period superimposed tombstone on winecask in this fashion, and in a genre meant to be playful and celebratory.

The lines I have quoted from "I quartered the troops" and "Your years are sleep" are representative instances of Cole's competence as a translator. Their rhythmic integrity and their expressive directness give you some sense of what is going on in the original, even if they lack the virtuosic sound-play and word-play repeatedly manifested in HaNagid's Hebrew. At times Cole shows real flair, as in these lines, enlivened by alliteration and vivid diction, from the feistily self-assertive poem HaNagid wrote when he left Cordoba:

And the friends who fray me,
their fine physiques and
slender thinking,
thinking it's ease or gain
that drives me,
pitching from place to place,
my hair wild, my eyes
charcoaled with night—
and not a one speaks wisely,
their souls blunted, or blurred,
goat-footed thinkers.

Cole's versions can also be quite effective in capturing HaNagid's descriptive vigor, as in these lines from a poem on an earthquake that shook Granada in 1047:

He when He pleases who brings out
the sun
and lights the hills with fire,
ripples the mountains like wind
rippling spikes of wheat in a field.

Finally, Cole is often surprisingly good in rendering the sharp bite of HaNagid's brief aphoristic poems (in the Hebrew, many are mere couplets), sometimes using rhyme, as does the original, to snap shut the structure of emphatic utterance:

Delay your speech
if you want your words
to be straight and free of deceit—
as a master archer
is slow to take aim
while splitting a grain of wheat.

Unfortunately, Cole's translations are

not consistently this effective. He tends to wobble between taking liberties—usually understandable liberties—with the original and an excessive literalism. The result is an abundance of lines and locutions that don't quite sound like English, such as this brief sequence from the cycle on the death of the poet's brother: "who'd herd as one the heifer and bear, and none devour, / and none make prey," or this reference to the obedience of his troops, "they're willingly drawn in my cord," or this praise of God, "justice shapes your mouth and heart." Cole's sense of appropriate diction sometimes slips, as when, in an exquisite nature poem, he renders *remes* (the biblical "creeping things") as "bugs," or when he translates a reference to the lovely light of the moon as "glare," and some of the poems are marred by anachronistic terms that would have never occurred to an eleventh-century person: "You flaunt your phallic soul," "briefings," "movers and shakers," "debunks."

The most regrettable lapses in these English versions are when Cole, apparently reaching for a fancy poetic effect, becomes simply unintelligible. In some of these instances, even a look at the Hebrew did not help me see what he was trying to say: "and the God of sentence / send aegis," "I act the horizon," "you'll move toward peace through my promise," "smothered their hearts with lids," "a stone to start trouble." A few of these puzzlers reflect misconstruals of the Hebrew. In a battle poem, HaNagid is made to say of the fearsome enemy, "In their might . . . the parable makers were richly endowed." This obscures the plain sense of the Hebrew, which is that the makers of parables or bywords of valor would coin their parables in the image of these fierce warriors. Among the other lines just quoted, the enigmatic phrase "move toward peace through my promise" derives from a misreading of the last word of the poem, *mavtihi*, which has nothing to do with "promise" (as in modern Hebrew) but means instead "he who makes me safe," that is, God; so the actual sense of the line is "I trust you will go in peace to my God."

For all the flaws of his renderings, however, Peter Cole has performed a real service to English readers in making this generous selection of HaNagid's poems available, and at least some of the time producing English versions that suggest the beauty, the wit and the vitality of the Hebrew. I must confess, however, that a sampling of translations by Hillel Halkin in an essay on HaNagid ("The First Post-Ancient Jew," *Commentary*, September 1993) seems to me consistently superior to Cole's versions in their control of poetic diction and in a general sense of refined expression.

Compare these two treatments of a brief poem that is an elegant variation on the convention which combines the pleasures of drinking with the pleasures of sexual desire. First Cole:

I'd give everything I own for that gazelle
who, rising at night to his
harp and flute,
saw a cup in my hand
and said:
"Drink your grape blood against my lips!"
And the moon was cut like a D,
on a dark robe, written in gold.

This works well enough, and is another illustration of Cole's clear competence, though the idiomatic usage is a shade

off in the line about drinking the blood of the grape, and the "D" sticking out at the end of the line seems too obtrusively English an equivalent for the little curved Hebrew letter *yod*. (Cole's line-breaks, moreover, are quite eccentric, and reflect nothing in the Hebrew.)

Here is Halkin:

What would I not do for the youth
Who awoke in the night to the sound
of the skilled flutes and lutes,
And seeing me there, said to me,
"Here drink the grape's blood from
my lips."
Oh, the moon was a comma writ small
On the cloak of the dawn in watery gold.

MEDIA AND OPINION



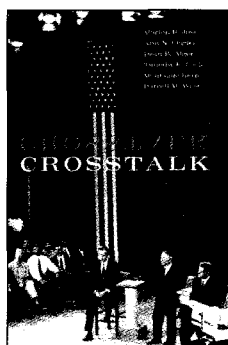
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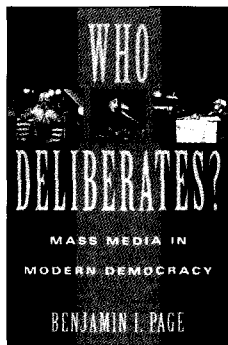
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Here is a haunting case in point. Poems about the fleeting span of human life and the inexorability of aging reflect a set convention of wisdom poetry in the Spanish medieval period. A more technical convention is a recurrent structure of challenge and response: a poem begins

She said, "Be glad that through God
you have reached
full fifty years in your world." And
how could she know
There's no difference for me between
my days now passed
and Noah's days of which I've heard
told?
I have nothing in the world but the hour
in which I am—
it pauses a moment, and then like a
cloud moves on.

Short on particulars, Gordon is condemned to speculation. Might, may, perhaps, probablies, likelihoods, could have, must have, might have been, abound. So do sins of commission. *L'Humanité*, in Communist hands since 1920, was not published by socialists; *Le Temps* was not "appropriated by Charles de Gaulle" in 1944, though he encouraged the creation of *Le Monde*; British means tests in the 1930s did not stimulate "a mild form of collaborationism and treachery" comparable to what could be found in German-occupied France. And with the sins of omission we shall deal as we go. Now, for the story.

He continued good at games, played cricket for Trinity, knew all of Gilbert and Sullivan by heart, graduated with first-class honors, and seemed well

In Beckett's case, I incline to think that the experiences that shaped the man were private, and the ones that

launched on a career as a scholar-teacher when he left for two years as English Assistant at the Ecole Normale Supérieure in Paris. It was 1928. He was lanky, blond, blue-eyed; he was writing, he was drinking, he was aware of unhappiness around him, depression, war, civil war. Gordon may be right to think that he turned to the life of the mind in revolt against middle-class privilege and propriety. Yet he could have cultivated the life of the mind as a university teacher; and privilege does not seem to have bothered him when it came to his cash allowance, or when it permitted him to ignore propriety.

The 1920s were a good time to escape parochialism at home and to sow wild oats in Paris, where post-war meant postbelief, postorder, posthope, and prepostmodernism. Frustration and absurdity ruled the roost volubly. But volubility, for a while at least, had to be in English. There is no evidence of relations with Simone Weil, Thierry Maulnier, Maurice Bardèche, Robert Brasillach, Jacques Soustelle or René Etiemble, all of whom were at the Ecole Normale in 1928-1930. The two French friends he made there were both *anglicistes*, the circles he moved in were Irish, English, American.

A solid chapter on the Joyce connection and Beckett's long crush on the exiled Irishman describes mutual affection, long walks, drink, cigars, companionable silences, repartee: "What do you think of the next life?" "I don't think much of this one." There were art exhibitions. Surrealists illustrated "the physical concretization of emotional states." Language was denounced as a distortion of experience. Fragmented compositions, blank canvases, nonlinear writing and painting were in vogue. Long marginalized, Cézanne was at last officially recognized. Proliferously enshrined in the museums that once banned him, he triumphed over injustice; and art never looked back. Respectable society had once belittled genius; henceforth it would spy genius even where it was not. True art was expression, even camouflaged. "The

writer expresses, he does not communicate," proclaimed Maria and Eugene Jolas's *transition*. The Jolases printed Beckett, and so did Nancy Cunard's Hours Press, when it published *Whoroscope*, ninety-eight lines of arcane incoherence. "I wrote the first half before dinner ... had a guzzle of salad and Chambertin at the Cochon de Lait, went back to the Ecole and finished it about three in the morning.... That's how it was and them were the days."

Them were, indeed. Paris was "a good place for a young man to be." But Beck-

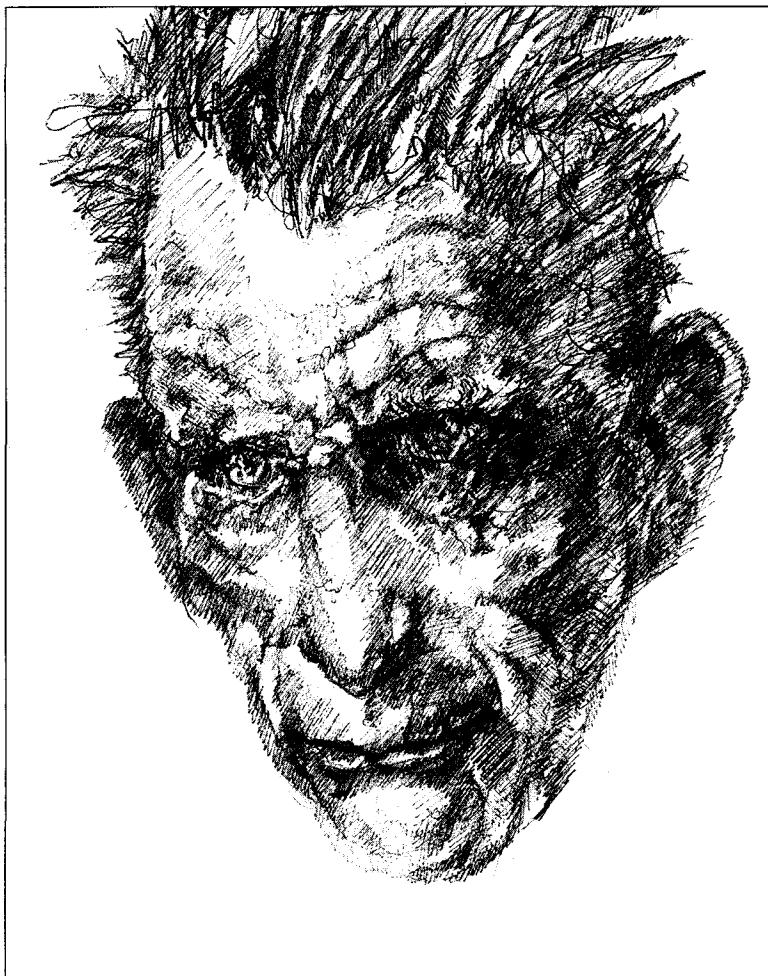
friends could afford, resolutely refusing to hold a job, humiliatingly dependent on family handouts, resentful of cadging yet persuaded that they owed him the living which writing stubbornly refused. His longstanding habit of sleeping into the afternoon did not help much either. As E.M. Cioran quoted him long after, "our allotted time on earth is not long enough to be used for anything other than ourselves." He was a monomaniac, obsessed yet sporadically blocked. Peggy Guggenheim, with whom he had an affair, called him Ob-

lomov. "All I want to do is sit on my arse and fart and think of Dante." Walter Lowenfels, the American to whom these pregnant words were uttered, does not appear in Gordon's pages, perhaps because Beckett was boasting: in fact, he kept on writing.

Murphy, his first real novel, was accepted after forty-two rejections. It would be published in 1938 to confidential acclaim, like most of his writing until 1953 and *Waiting for Godot*. *Murphy* was no failure. It offered, as did all his early works and some later ones, what the reviewer of another piece described as "verbal acrobatics ... too allusive to be generally comprehensible." But critics noticed. The *TLS* called it "sterile but not negligible." In a more obscure venue, the 24-year-old Dylan Thomas saw in it Sodom and Begorrah, "created by P.G. Wodehouse, Dickens and Eugene Jolas working in bewildered col-

laboration." *Murphy* was "the individual ostrich in the mass-produced desert." Its royalties paid his debts and encouraged him to move into permanent lodgings with Suzanne.

On Suzanne, I think, Gordon falls down badly. In January 1938, in the small hours of the night, Beckett was stabbed on the street by a neighborhood pimp, and might well have died but for the intervention of a young woman who happened to be passing. Gordon gives a cursory account of the bloody encounter, and she speculates that Beckett refused to press charges against the assailant because he



SAMUEL BECKETT BY DAVID SCHORR FOR THE NEW REPUBLIC

ett had to return to Dublin, to teach, to conform, to bend to his mother's will. He couldn't stand it, or the "hateful comedy of lecturing." He fled Trinity, to Germany, to Paris, to London, where he heard Jung speak, committed literary journalism, and had analysis committed upon him at the Tavistock Clinic. His analyst, Gordon tells us, held cure or improvement to be both "irrelevant and undesirable." That was just as well, since Beckett dropped him after two years. He returned to Paris.

Now in his 30s, the once-promising young man had become a disheveled dropout, drinking as heavily as he or his

may have felt that he had no special entitlement to freedom from attack. Bair indicates that pressing charges would have involved attendance at the subsequent trial and possible complications at a time when Beckett was trying to negotiate a permanent resident visa. Which explanation sounds more likely? Worse: Gordon mentions the young

woman in question, the pianist Suzanne Deschevaux-Dumesnil, twice in 203 pages of text, but she never makes it to the index. The dramatic circumstances of their first contact are not reported; Suzanne, his companion, then his wife, for half a century is as if she never was. To know more one has to read Bair, who likes color and detail; or Peggy

Guggenheim: "I couldn't be jealous of her; she wasn't attractive enough ... she was about my age and we were both older than Oblomov."

Now that Oblomov had found a substitute mother, and a more satisfactory one, he would be forced away from indecision. Europe was running out of refuge, even for determined neutrals such as Beckett and Joyce, who thought that wars were dumb. Hitler was on the march, Hitler was anti-Semitic, the Irish (some Irish) were not. Proud, as he said, to have "put Bloom on the map of European literature," Joyce was interested in matters Jewish and sympathetic to Jews who were, like the Irish, a persecuted race. Like him, Beckett, close to Jewish friends, concerned about the Jewish plight, was moved by Jewish suffering. Irritated by English prejudice ("They always know you're an Irishman.... They call me Pat"), he equated "Israelite-Irish" persecution. He did not like the Nazis. He found politics, like war, distracting and sat writing in his Paris apartment during the phony war. Nevertheless, in October 1940 he joined the Resistance.

Gordon does not make clear what an extraordinary act this was, when almost all in France accepted defeat and occupation with pain or with relief, but without rebellion. If Beckett joined the Resistance when only eccentrics, Jews, foreigners did so, it seems to have been by chance. Of the two friends he made at the Ecole Normale, both socialists, one went to work for Vichy, the other joined the Resistance and eventually died for it. But first he recruited Samuel and Suzanne. That's what friendship does. "I was fighting the Germans, who were making life hell for my friends, and not for the French nation." A bit ungrammatical, but clear enough. Gordon sees Beckett as a gentle and heroic man. She is probably right, but that's what heroism can be: recklessly, thoughtlessly, taking the side of friends.

Beckett later dismissed his Resistance work as boy-scout stuff; and it is true that a lot of Resistance work was like that. It was also nerve-racking, chance-taking, endlessly frightening, full of risk, waiting and sleepless nights. In 1945, Beckett was awarded the *Croix de Guerre* and the *Médaille de la Résistance*, and typically he kept the awards quiet for over thirty years, until a biographer's prying revealed the *Croix's* citation. Gordon, who appears to have gotten that citation wrong, faults Bair for failing "to regard the seriousness of the underground activities" that her hero engaged in.

Basho

It's a comfort, when my tastes seem accidental
And too disjointed to compose a character,
To think of them as my ancestors, each pressing close
To express through me its own native inflections.

My need for long walks in the evening
Evidence on my father's side of nomadic blood,
Of a Scythian captive plucked from the desert
To follow behind a plow in Umbria.

His marriage to a slave girl from Carthage
Explains why sea air stirs me so strongly
And sun-baked, white-washed houses on hillsides
And painted tile from Tunisia or Morocco.

To be a vehicle for the dead to speak through,
Surely that's an improvement on being a showman
Shifting his costume to please a moody audience
A comfort so long as I've many dead to choose from,

Free to trace my talent for telling stories
At a moment's notice in the style of Odysseus
Can be followed all the way back on my mother's side
To a black-bearded Smyrna merchant.

A skill that makes me a star at the tourist bureau
When I'm asked for ideas to make Lake Erie
More glamorous than it is in the current brochures,
The photos more arresting, the copy spicier.

Good thing for the tourists I've also inherited
Truth-telling genes from the Hebrew prophets
That refuse to claim our blue jays rarer than the kiwi
And sharper than the parrot at witty dialogue.

So many dispositions, but no reason to worry
About caulking and splicing them into unity.
Each ancient voice asks to be kept distinct,
A separate species of tree in a crowded forest,

Cedar and pine, oak, ash, and cherry.
No accident as I sit in the yard reading poems
Under the hemlock tree that I'm drawn to Basho.
It's clear that his blood flows in my veins.

It's clear he's my father or else my twin
Misplaced at birth in a short-handed village hospital.
How else explain that a poem of his
Is nearer to me than the proverbs of seven uncles?

Witness the first haiku in the new translation
I bought this morning at Niagara Books:
"Even in Kyoto, hearing the cuckoo's cry,
I long for Kyoto."

CARL DENNIS

They were serious all right, and dangerous, but that was not a reason for him to treat them seriously. By October 1942, he obviously did. With the Gestapo dismantling their network, he and Suzanne fled Paris and spent the rest of the war in Roussillon, better known in this country as Laurence Wylie's *Village in the Vaucluse*. Bair, complains Gordon, "creates an eccentric image of Roussillon and Beckett's life there." It sounds to me as if the Becketts, once bitten, had become shy of trouble but could not help getting involved with the Resistance once more: the *maquis* was too insistent. Bair's account of the Becketts' time in Roussillon reads convincingly to me, but Gordon claims that Wiley has disclaimed Bair's references. Whom to believe? As Estragon said to Vladimir: "They don't agree, and that's all there is to it." So far.

Free of Roussillon, Beckett made for Ireland, Suzanne for Paris. But when he sought to rejoin her, wartime regulations prevented it. He joined an Irish Red Cross mission to Saint-Lô, the Norman town that allied bombers had reduced to rubble. Bair believes that Beckett did this to get back to France, to Paris, to Suzanne; Gordon thinks that it was altruism and the desire "to continue his activities in the service of humanity." From humanity in the abstract, Beckett tended to distance himself. There is no reason to doubt the "generosity, kindness, sense of responsibility and modesty" that she attributes to him. But wouldn't even kind, generous, modest men feel responsibility to their companion first? Could Beckett be simply human, his actions overdetermined like those of the rest of us? Beckett, Gordon concludes on her last page of text, "was not a fragile and reclusive man set apart from the real world. He was a sensitive and courageous man, marked by and responsive to the world around him." Couldn't he have been both?

Rejecting the humanism of grand principles and sentimentalism, Beckett was a moralist of impotence, rather like Camus—but, unlike Camus, of impotence asserted. Anti-idealists can have ideals, too. We might remember what Cioran wrote about him in *Partisan Review* in 1976: "He makes you realize that history is a dimension that man could have dispensed with." Beckett the man remains elusive, because he wanted to elude. Gordon set out to skirt that problem by writing about his "world" and about the history that it seems he might have preferred to dispense with. Fair enough. But her accounts of political, social, military, and Resistance doings grow more laborious as her tale

unfolds. At one point she remarks, "I do not know how aware Beckett was of the following events," but tells us about them all the same. When she gets to war and resistance, these excursions grow longer, but they fit the narrative as an apron fits a chicken. Nothing in them is exactly wrong, much is not exactly right, and it is hard to see how the deluge of detail illuminates Beckett's personality or production. Relations between the world of print and Beckett's writing, on the other hand, are more illuminating.

The opening sentence of *Journey to the End of Night*, with its insubordinate double emphasis, reads: *Ça a débuté comme ça*

("Here's how it started"). Céline does not appear in Gordon's index, though Beckett through the '30s found him fascinating. Nor does Jules Renard, whose unsentimental observations, exacting exactness, acerbic descriptions, he admired. Nor does she tell us about Beckett's intention to translate Sade's *120 Days of Sodom*, owing to its "extraordinary visions of love and ecstasy." Bair mentions Pirandello; Gordon ignores him. Yet he was part of Beckett's world. By the 1920s, certainly by the 1930s for Beckett's fellow Dubliners, Pirandello's plays explored the conflict between reality and appearance, the blurred, fluid nature of personality, the

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Howard Butt does not forecast
the future, but tells us where
we are, right now."**

—MADELEINE L'ENGLE

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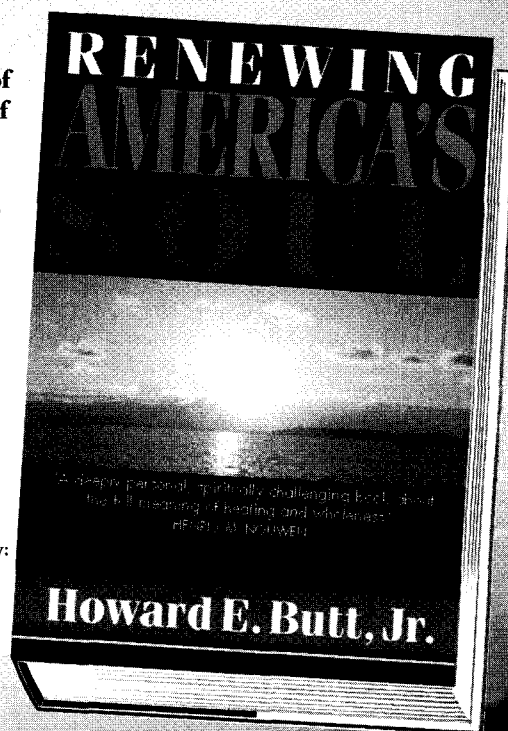
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equivocal relation between actor and character, face and mask, self and image of self. Beckett remains Beckett and creativity remains unfathomable, but Céline calls out: "When you stop to examine the way in which words are formed and uttered, our sentences are hard put to survive the disaster of their slobbery origin. The mechanical effort of conversation is nastier and more complicated than defecation."

Communication was impossible, Beckett had declared in 1931, writing about Proust: "horribly comic, like the madness that holds a conversation with furniture." That's what he wanted to communicate. All coherence gone, language a snare, thought a delusion. Reasoning could only attain the certitude that nothing is certain. Only the words were left, like pebbles on a beach. "Drops of silence in silence," Cioran quotes him. It must be emblematic that, of the first Beckett story printed in Sartre's *Les Temps Modernes* in July 1946, only the first part was published. No one had realized that it was incomplete.

Gordon leaves Beckett back in Paris with his papers and books, announcing the creativity still to come: two plays, four novels, in the four years after 1945. In Roussillon Beckett had written a second novel, *Watt*, which found a publisher in 1953 but not many readers. Henceforth he would write in French where, as Richard Seaver put it, he found it easier to strip the language bare. "In France," Beckett was to explain in French, "it's easier to write without style." Provocation? Or sober appraisal of a semiosis redundant with verbal words that could be used, misused, held up to ridicule? In France, where style is all, Beckett denied its hold. In France, where it rained words, he spared them: ellision, excision. While Claudel and Montherlant rolled their emphatic torrents at the Odéon and the Théâtre Français and political melodrama triumphed on the boulevards, a few *arrondissements* away Beckett's taciturn tramps were taking shape, preparing to make the case for babble.

Cogito no more. *Ego* did not exist. *Ergo*, thinking proved no being. There were no individuals, only dividuals. I have often wondered why, when writing about Beckett, no one mentions John Cage, in whose indeterminate compositions bangs and single notes punctuate long spells of silence. Cage's best-known pieces, like *Imaginary Landscapes* for twelve randomly tuned radios, and 4'3", a work in which the performer does not play, have much in common with Beckett's serious pranks. The Irishman too, who worked hard at lessness,

grew ever more minimalist until, in 1969, he wrote his final repudiation of words, a thirty-second play called *Breath: a pile of rubbish, a breath, and then a cry*.

How serious was all this, and does it matter? Beckett adored Chaplin, Buster Keaton, Laurel and Hardy, the Marx Brothers. At 25, for a performance at the Peacock Theatre in Dublin, he wrote a parody of Corneille's *Cid*, titled

Le Kid, which seems to have been frivolous, irresponsible, juvenile and funny. Twenty-seven years later, in the glorious summerlike autumn of 1948, he began *Godot*, which was at first titled only *En attendant*. It awaited production until 1953.

EUGEN WEBER's *The Hollow Years: France in the 1930s* has just been published in paperback by Norton.

Voyages Out

BY JAMES HAMILTON-PATERSON

Signals of Distress by Jim Crace

(Farrar, Straus and Giroux, 277 pp., \$22)

I must come clean. I have read only two of this much-praised writer's novels: his first, *Continent*, published in 1986 and *Signals of Distress*, his latest. I am not equipped to provide one of those overviews expected of critics when they deal with a writer who has a "track record." That awful expression points up the idiocy of equating a writer with an athlete. Not only are expectations geared to the breasting of some winning tape (literary prizes, presumably), but by implication the race is always the same event, the same distance; the same book, in fact, written and rewritten with more or less address. Woe betide the writer who deserts the track for the field.

When *Signals of Distress* was published in England some critics did indeed see it as a rogue performance. Reviewing it in the *Sunday Times*, Nick Hornby hailed it as "Jim Crace's fourth novel, but it is the first that he has set in a world we can recognize. In *Continent*, his award-winning debut, and *Arcadia* he created his own worlds, and *The Gift of Stones* was narrated by a girl living in a stone-age village." Why Hornby should find it easier to recognize the year 1836, in which the new novel is set, than the modern (but geographically unspecified) setting of *Continent* is not clear. Actually, it is baffling; and groping for an answer might reveal something about contemporary readers, even about contemporary novelists.

In the first, British, edition of *Continent*, the word "novel" appears nowhere on the jacket or as a subtitle. It is a brief book in seven parts, each of which is a self-contained short story. Its epigraph

refers to a "seventh continent" whose business is trade and superstition. Hornby's remark implies that he could not recognize the world the stories share. To anybody who has ever lived in a hot, developing country this continent is instantly familiar, no matter that Crace splendidly imagines its fine details and does not bother to give it a name. Some of the tales have a plant species or language script in common; it is not clear if all the stories are set in this imagined place and neither does it matter. In any case we are not in a country, but on a continent whose boundaries the epigraph draws with all the required precision. We are in that borderland where Tradition confronts Progress, where an old and often tribal world meets the modern, largely Western one. The stories juxtapose such things as poverty with wealth, shamanistic power with commercial power, corrupt military regimes with the differently corrupting art salerooms of New York and Paris. That this seventh continent is strictly contemporary is emphasized by constant references to the imported furniture of the developed world: Peugeot cars, helicopters, electrification, volunteer foreign teachers who jog in sneakers, visiting mining geologists. Reading *Continent*, I found that I had lived much of my life there and had met most of its characters in one form or another. Crace, who himself worked for a while in the Sudan, might well have given his seventh continent private reference points, but it unmistakably covers a fair slice of this planet we all occupy.

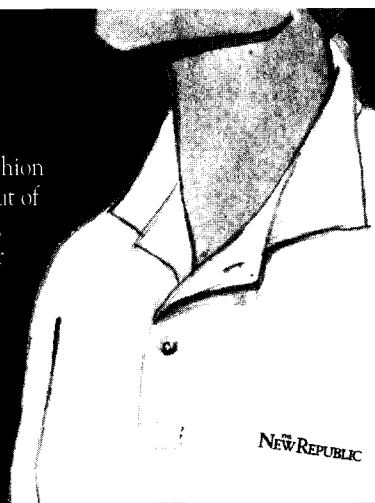
Is it a novel? Of course it is. Unity of setting, unity of tone, unity of theme: in

postmodern times one could hardly ask for more. If Julian Barnes's ten and a half chapters constitute a novel, so do Crace's seven. There may be no unity of characters in Crace's novel, but the setting itself constitutes a character: that of the non-West, the non-developed, the immemorial. It is true that this character appears to us as undifferentiated, just as to it the West appears homogenized. Within this trope certain individuals in the stories take on the aspect of distressed representatives: the homesick geologist going mad in alien territory, the professional calligrapher with a local reputation for pious penmanship driven cynical in old age by the forging of his work for sale abroad. One of the best stories concerns an elderly Western woman remembering helping her biologist father in the 1920s, acting as his research assistant as he documented the simultaneous mating of a crab species that led him to speculate about the local forest tribes' ovulation being similarly synchronized. His conclusion was very much of its time: that nature is patterned and orderly, and "natural man" as exemplified by the forest folk is closer to this order than is metropolitan man, whose sexual life functions "in a state of disorder, 'outside of nature.'" He then performs experiments on the forest people, measuring their testes with calipers and wishing to autopsy the cadavers of those who had died in childbirth to ascertain such things as vaginal acidity levels. Stymied, he virtually kidnaps a pre-pubertal girl to become the family's servant while at the same time he continues to take intimate measurements of her approach to oestrus. The story is a wonderfully truthful account of the intersection of private pathology with Western natural science, and Crace's strength is that he knows not to moralize. There is no need to contrive denunciations. From the best as well as the worst of motives, that is how scientific practice often was, and arguably sometimes still is, especially in some corner of the seventh continent. Within my own lifetime Nazi Germany was intent on experiments and ethnic theories which did not come from nowhere, but had long antecedents. More recently the American government performed radiation experiments on its own unwitting population, the British exposed their own troops to atomic tests in Australia and the Australian government attempted a form of ethnic cleansing by kidnapping thousands of Aboriginal children in order to fragment tribes and to hasten their "assimilation." Nobody need embroider further. *Continent* is a very modern novel indeed.

Signals of Distress, on the other hand, is not. In form, at least, it is a wholly

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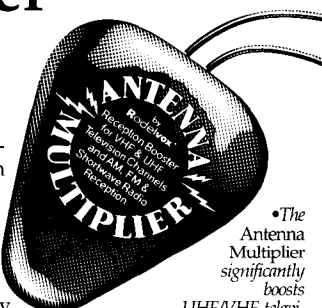
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conventional historical novel. Set in 1836, it is the story of an American sailing vessel, the *Belle of Wilmington*, semi-wrecked in a storm and obliged to lay up for repairs near the small English port of Wherrytown. The *Belle* is bringing 400 head of cattle from Canada to be exchanged for a shipload of emigrants on her return journey. The same storm mildly inconveniences a coastal steam packet bringing Aymer Smith to Wherrytown, where he puts up at the inn. His family owns a successful soap-making business and his task in Wherrytown is to contact their agent, who buys kelp from the locals at cutthroat prices, to tell him that a French chemist has recently discovered a cheaper and more efficient way of producing the soda needed for soap manufacture. Kelp-burning is yesterday's technology, and people are going to lose their livelihoods as a result. This is particularly painful for Smith since he is a man of high philanthropic principle, being "a Sceptic, a Radical and an active Amender" who reads Tom Paine. The ensuing novel is an account of the impact of the wrecked American crew and this difficult and compromised Englishman on an isolated community more than a century and a half ago.

The Americans' main impact is twofold. Firstly, their forthcoming voyage

to Canada represents the promise of the New World and generates unrest in a little town sunk heavily into unending Old World poverty. Secondly, the ship's cook, Otto, is a black slave who escapes. He is never seen again; but an injury and the snowy weather imply he can't have gone far and he continues to lurk in the story's background just as the locals suspect him of haunting the outskirts of their town. Otto is a disquieting unseen presence, quickly identified with the devil and superstitiously blamed for misfortunes no mortal could conceivably have authored. In his turn, Aymer Smith has an even greater effect on the town since with his peculiar personality he manages to put nearly everyone's nose out of joint. He is, in fact, the book's main character. In a sense he is its *only* character, for we are privy to more of his inner wrestlings than we are to those of the others, who are defined but not especially fleshed out. Smith is largely unlikable, which makes Crace courageous if his novel is viewed as conventional historical fiction, a genre which depends heavily on sympathetic protagonists for readers' identification across the unnerving gulf of years.

It is not easy for a late-twentieth-century reader to identify with Aymer Smith, who is absolutely a creature of his time. His rationalist principles occupy his head, leaving his heart a muddled and atrophied organ. In his 40s, still unmarried and sexually diffident, he viewed his trip to Wherrytown as a potentially liberating experience despite his uncongenial mission. He had never before traveled far from home and might even find for himself

what more than Justice and Reform he had desired for all his adult life, a loving country wife.... He was surprised how travel unleashed him, how he could talk to sailors on the boat with a freedom absent from his home and city life. He was encountering, also, that other liberation which is the gift of travel and unfamiliar places. He—the virgin and the masturbator—was poised, engorged and shallow-breathed with expectations and desires.

Predictably, it all goes wrong. The sailors, like everyone else he speaks to, are bored and contemptuous of his pathetic and heavy-handed attempts to be likable. His future country wife elopes with one of the returning Americans. He is blamed for freeing Otto and preached against by the town's minister as an unbeliever. He is even beaten up as the result of a misunderstanding. He and the minister are equally described as "prisoners of priggishness, and dogma,

and vocabulary." Aymer Smith would prefer to think of himself as "a Radical, an aesthete and a bachelor"; unlike the minister he does have the makings of a heart, even though it is more sentimental than profound. He befriends Whip, the *Belle*'s dog, somewhat mawkishly; he yearns to be equally befriended by Otto; he is moved almost to tears by the least sign of affection in others. He is, as another character discovered, "too vulnerable and headlong in his dealings to be disliked entirely." Eventually the repaired *Belle* sails, Aymer Smith returns home unwived, and the story ends on a downbeat note.

Why does a novelist decide to set a novel in 1836? More to the point, why does Jim Crace? In the case of a writer such as Patrick O'Brian, who sets his Aubrey/Maturin series of sea novels some thirty years earlier, it is clear that his imagination is most at home in the Napoleonic era. It has grown on him, and he into it. I suspect that no matter how painstakingly researched his details are, Crace's interest in his world of 1836 is of a different order and for different ends. Unlikely as it seems, the settings of *Continent* and *Signals* have much in common. This makes sense if one remembers L.P. Hartley's dictum that "the past is a foreign country," because it is evident that Crace's imagination is mobilized by confrontations between various kinds of foreignness, and that 1836 is quite as foreign as his seventh continent.

At an obvious level, everyone beached in Wherrytown is foreign. The wrecked Americans are foreigners, Otto is an alien, Aymer Smith an outsider. This subdivides further into the kinds of opposition between tradition and progress which marked *Continent*. Kelp-burning is made obsolete by the new industrial chemistry; the backward and time-locked fishing village is obliged to confront a world of dreams and opportunities on offer 3,000 miles to the west; even the locals' demonizing of blacks comes up against enlightenment in the form of Wilberforcean, Clapham Sect disgust for slavery. And what happens? Nobody comes well out of these confrontations, of course. In one way or another, everyone in *Signals* is compromised. This seems to me another of Crace's great strengths. Just as he doesn't moralize, neither does he pretend that there can ever be any satisfactory resolution in such head-on collisions. We know entirely too much for happy-ending idealisms to be possible. We know kelp-burners are thrown out of work by chemists, just as Rustbelt industries become casualties of technology and economics. We know it is

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not enough to free a slave if he then has to hide, starved and frozen, from supposedly Christian locals. We certainly know that finally achieving sexual intercourse in middle age (as Aymer Smith does with the mother of the girl whom he had hoped to marry) is not necessarily a grand epiphany. The scene in which the aesthete and reformer loses his virginity in a kelp-burner's hut is masterly. "There was no trance. This was sober. He'd never felt so wide awake, and stripped." The mood is that of the ending of Larkin's poem "Deceptions": "For you would hardly care / That you were less deceived, out on that bed, / Than he was, stumbling up the breathless stair / To burst into fulfillment's desolate attic."

Jim Crace writes beautifully. He has evidently taken a lot of trouble to get his local color and his period feel. His descriptions of poverty-stricken shore life accord most faithfully with contemporary accounts. The world of the seaweed collectors had become, by 1836, something of a stock-in-trade of littoral writing, whether via Walter Scott or natural historians such as Audouin and Milne-Edwards. And by and large his characters' language seems authentic, too, except for moments like the already-quoted description of Aymer Smith. Amid the nineteenth-century vocabulary and outlook the word "masturbator" jars (Crace uses it more than once) as belonging brutally to a twentieth-century clinical tradition. To support our intuition that it is misplaced, Webster's has it coined in 1855-60.

This is not nit-picking. I cite it to show that Crace's pull is modern in a way which O'Brian's never is. His authorial voice is ineluctably of our time, and the effect is to reduce his historical setting to a construct: brilliantly executed, no doubt, but a construct nevertheless. Another way of putting it might be to say that his book is plot-led rather than character-led. The characters, even Aymer Smith, are less people than plausible devices. Their chief purpose is to engineer more of Crace's cultural collisions, the ironic fractures which so clearly interest him. To this extent I have to say that even in such an accomplished version of 1836 I found my attention wandering in a way I never once did in *Continent*. We don't deeply care what happens to anyone in *Signals*, which may be seen as a fault by those who like gusty identifications in their novels. The book is interesting chiefly for its propositions and intelligence rather than for its emotional power, and no doubt this is intentional. ("Here's postmodernism for you," say the disenchanted. "All head and no

heart.") Some of the energy that Crace might have expended on characterization he channels into exploring the nature of irony and undermining the reader's easy assumptions about where the moral high ground lies. In this work of undercutting, in revealing the true complexities of cultural clashes, he is outstandingly good. The American crew of the *Belle* may represent the New World, for example, but they are no better behaved (and why should they be?) than the denizens of the backward English community. Wherrytown's attitude to blacks is indeed abysmally superstitious and ignorant (and how mightn't it be?), yet we recall that in Britain slavery has already been abolished while the American Constitution will not outlaw it until 1865. We also note that it is the New Worlders who are washed up in their old technology under sail—whereas the native Aymer Smith arrives in Wherrytown unscathed in a steam packet.

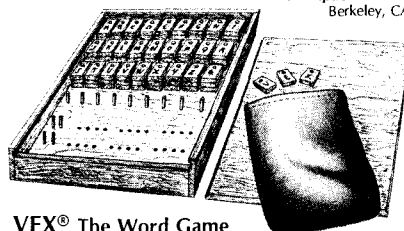
So the 1836 of *Signals* represents a terrain for events just as the present-day land of *Continent* did. Crace's purpose in his essay in time-travel seems part of his interest in travel generally as a way of throwing up anguished confrontations. If I have a criticism of *Signals*, it is that its pretext is perhaps more an intellectual invention than the inspiration of a novelist. This does not mean that I think Crace an indifferent novelist. He has technique in abundance and *Signals* is in some respects an almost too perfect simulacrum of the well-made novel. Still, there is about the narrative a curious lack of the energy which made *Continent* so compelling, almost as if he himself had felt betrayed in the act of writing it, when the idea which had seemed so promising turned out to lack grip even as the elaborate sets were going up all around him. And this, I think, is the answer to why the critic Nick Hornby found Crace's 1836 easier to recognize than his seventh continent: he thought he knew it from television. It is a sign of our virtual times when a critic finds himself more at home in a costume drama than in the sort of Third World realities that don't get televised. In any case, whether or not Jim Crace's new novel represents the faintest miscalculation, it is still made valuable for the integrity of his underlying purpose which shines through to shed a clear, bleak light over his tableaux of pain like a desperate succession of flares.

JAMES HAMILTON-PATERSON is the author most recently of *Griefwork* (Farrar, Straus and Giroux).

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WASHINGTON DIARIST

Bearing gifts

SEVERAL WEEKS AGO, THE GREEK Embassy invited me to attend a luncheon at the National Press Club featuring a speech by the Greek prime minister, whose name escapes me at the moment. It wasn't Papandreou—if that's spelled correctly, thank TNR's assistant editors—whom I believe is dead or very ill, but rather his successor. I think his name ends with -itis. Apparently the embassy believes I'm the house expert on Greece. I was specifically chosen. My name was handwritten on a fancy invitation. Nobody else at the magazine received one. Clearly, the Greeks see me as an important opinion-shaper whose views they want to influence. Although flattered to be wooed by powerful interests, the moral implications troubled me. Would accepting a free meal from Greece—no small gift for a perpetually hungry intern like myself—bias my coverage of the country? True, I've never covered Greece, or any foreign country, but I could conceivably do so in the future. Journalism reviews devote countless pages to the question of whether or not reporters like Cokie Roberts are unduly influenced by the hefty speaking fees they get from private organizations. (I, of course, have never accepted such an offer.) Yes, I admitted to myself, it is likely that if the occasion to opine about Greece arose, some part of me would hearken back to the delicious souvlaki or spanakopita the taxpayers of that country had generously provided me. I resolved to accept the meal but refrain from ever commenting on Greek-related matters.

THE LAST TIME I ACCEPTED FREE food under false pretenses from Greeks was as a college freshman. I ended up accidentally joining a fraternity. Lured by the siren song of free hamburgers, I attended fraternity rush—a common practice of students fond of neither the Greek system nor the dormitory meal plan. When I arrived at the house, one of the Greek brothers turned out to be a friend to whom I couldn't bear revealing the truth. So I kept up the charade through three evenings of White Castle until a brother unexpectedly handed me a bid. Caught without a prepared excuse, I had no choice but to accept until I could devise a clear exit strategy. Inten-

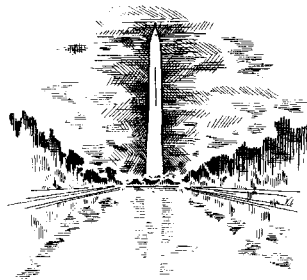
tionally trying to offend them with statements like "I don't like beer" and "I follow politics closely" failed. I attended awkward social events with my pledge classmates, who were just as eager to bond with their new brothers as I was to avoid any friendships that would entangle my hoped-for departure. I finally extricated myself after several meetings with painfully earnest house officers trying to address my trumped-up concerns by confessing that the whole ordeal was nothing more than a free hamburger scheme gone horribly awry.

IF MY LIFE WERE A GREEK TRAGEDY,

my fatal flaw would be a weakness for free food. Several weeks ago, a co-worker came along to a Greek take-out restaurant I frequent and didn't pay for his meal. (There were mitigating circumstances: the entrées and prices are scrawled seemingly at random on the menu, so it's difficult to tell how much anything costs. The line moves very fast, and the owner—who speaks imperfect English—does not entertain questions kindly.) On my way to the Greek Embassy luncheon I suddenly realized that the invitation could be a sting operation to catch the thief. It's the perfect bait: the owner doesn't know our names, but he knows that the thief works for TNR, covets free Greek food and is probably not above resorting to chicanery to get it. The play ends with the protagonist slain by the Greek restaurant owner, done in at last by his tragic flaw, but this time, ironically, for a crime of which he is innocent.

FORTUNATELY, THE RESTAURANT owner was nowhere to be seen, nor was the embassy lunch sufficiently delicious to buy my loyalty. Moreover, most of the seating was reserved for big shots. Arriving late, I ended up at a half-empty table in the corner with some blandish middle-aged men who seemed to have only a marginally better idea than I did why they were there. Judging from the questions submitted to the prime minister, I was not the only fraud in the room; one person asked, "What can modern-day Greeks learn from the ancient Greeks about how to solve today's problems?" I remained, however, because standing in the doorway was an unbelievably beautiful young Greek Embassy staffer. Her intelligent Mediterranean face hypnotized me. At one point she noticed my incessant gaze and waved. I froze, suddenly a seventh grader sitting at the nerd table in the cafeteria, caught staring at a popular girl. A bizarre paranoia struck:

she would discover that I was not a foreign affairs writer but an intern who didn't know or care about Greece, scamming a free meal at her country's expense. So I began paying attention to the prime minister's speech and, perhaps as a subconscious reaction to my guilt, slowly became filled with genuinely warm feelings for the Greek people. I found myself clapping, wishing we would send money to Greece—if we do already, then wishing we would send more—and humming the Greek national anthem on the way out. Well, actually, I was humming "The Greeks Don't Want No Freaks" by the Eagles, which might not really be the Greek national anthem. Maybe it should be.



GRECOPHILIA, ALAS, has not spread to the rest of the journalism world. Recently *The Wall Street Journal* ran a long lead editorial attacking George Stephanopoulos for touring Greece at the ex-

pense of a Greek publisher, who also presented him with a silver religious icon. The editorial quoted Bush White House Counsel Boyden Gray—"The Bush White House never allowed any foreign or domestic entities to pay for trips or give gifts to White House aides.... This Administration has thrown ethics out the window..."—and concluded ominously, "What was the silver icon worth, and whatever happened to it?" The smoking icon that could bring down the Clinton presidency! The next week, a Stephanopoulos letter pointed out that Bush staffers took 179 such trips, including two by Gray himself, and that the icon, worth \$150, was in the hands of the General Services Administration. The *Journal*, characteristically, stepped up the attack. Sure, it gingerly conceded in a second editorial, Gray's claim "overreached." Yet, forgetting the two accusations of illegality it had made, the *Journal* insisted that its point had always been that the trip was merely "feather-brained." The White House, the editors argued, is "incapable of making the basic distinctions on which any ethics law depends." It concluded with a call for Congress to "start taking depositions on Stephanopoulosflap." In retrospect, the *Journal* editors probably should have demanded congressional hearings *before* they admitted that no law was broken, rather than after. Just another example of the systematic anti-Greek bias I've begun noticing in the media. This is what happens when journalists lose their objectivity.

JONATHAN CHAIT

Where We Stand

By Albert Shanker, President
American Federation of Teachers

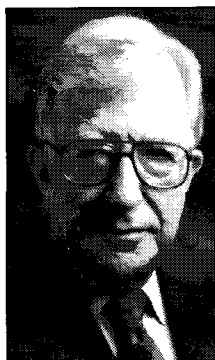
Knotted Rugs

The murder of Iqbal Masih, last year, forced many Americans to look at a problem they would have preferred to avoid: child labor in developing countries. Iqbal was a world-famous human rights activist. He was also a young Pakistani boy whose mother had sold him to a rug maker when he was four. Iqbal eventually freed himself, and by the time he was murdered, at the age of twelve, he had helped free 3,000 other bonded child laborers. That is probably why he was murdered. But many millions of children in Pakistan, India, and other developing nations continue to work as gemstone polishers, glass blowers, and makers of matches, fireworks, clothing and hand-knotted rugs, often in conditions that are unspeakable.

Children who knot rugs are crowded into filthy, poorly lit shops that have minimal ventilation for as many as 16 hours a day, 7 days a week. They are often chained to their looms, and they risk being beaten or even killed if they try to escape. Many die anyway because of the horrible conditions under which they work. Manufacturers consider young children to be desirable "employees" because they work hard and put up with pay and conditions that adults would not tolerate. The children receive no more than a couple of cents a day for their work; many get nothing.

A number of developing nations—India and Nepal, for example—have laws on the books banning child labor. Nevertheless, you hear some people using hard-nosed economic arguments to justify exploitation of children. They say that if child labor is what it takes to bolster the economy in a developing country, that's the price the country has to pay. And it's really nobody else's business anyway. But many of these countries also have very high unemployment among adults. Why shouldn't companies hire adults so that parents can support their children instead of having to sell them into bondage?

However, we don't have to wait for the companies making hand-knotted rugs to get religion (or for countries that are dragging their feet to start enforcing their child labor laws). These rugs are an important export item, and people who buy them can have a big say about the conditions



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under which they are made. The traditional weapon used by people who want to protest economic injustice is the boycott: Don't buy the product. But a boycott only punishes, and it often punishes those who act responsibly as well as those who don't.

An Indian child advocate named Kailash Satyarthi had a better idea. He established a nonprofit foundation that allows consumers to identify and buy hand-knotted rugs that are not made with child labor. Rugmark, as the foundation is called, inspects companies that apply for certification and vouches for the fact that they are not using child labor to make their hand-knotted rugs. Inspectors also pay surprise visits to Rugmark-certified companies to make sure they continue to abide by their commitment to use adult labor only. Consumers can recognize Rugmark rugs by a label that only they will carry (see below).

Rugmark, which is now two years old, has signed up and certified 15 percent of the companies producing hand-knotted rugs in India. A number of others are moving toward certification, but the process is complicated and many carpet makers are understandably hostile to the idea of losing a cheap, excellent, and plentiful supply of labor. So far, the total production of Rugmark rugs has gone to Germany, where the country's largest mail order firm and several large department stores have agreed to carry them. But Rugmark has recently opened up shop in Nepal, with the support of 70 percent of the carpet manufacturers there. These rugs will soon be available for import to the U.S. It's up to American consumers to start talking to stores and catalog companies that carry hand-knotted rugs. They should let the businesses know that they do not want rugs made by children, and they should urge them to put pressure on the importers they deal with.

On April 16, the first Rugmark-certified rugs imported to the U.S. were auctioned off at a ceremony commemorating the anniversary of Iqbal Masih's death last year. If American consumers do their part, these rugs should be the first of many.

For more information about the Rugmark campaign and the availability of Rugmark-certified rugs, contact the Child Labor Coalition c/o the National Consumers League, 1701 K St., N.W., Washington, DC 20006; tel. 202-835-3323.



Mr. Shanker's comments appear in this ad under the auspices of the American Federation of Teachers. Reader correspondence is invited. Address your letters to Mr. Shanker at the AFT, 555 New Jersey Avenue, N.W., Washington, D.C. 20001. © 1996 by Albert Shanker.

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